

REAL ESTATE APPRAISAL

**VERNLUND PROPERTY
STANTACK ROAD
MIDDLETOWN, CT**

PREPARED BY:

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**SELF CONTAINED
REAL ESTATE APPRAISAL**

**RESIDENTIAL ACREAGE-VARIOUS PARCELS
VERNLUND PROPERTY
W/S STANTACK ROAD
MIDDLETOWN, CONNECTICUT**

AUTHORIZED BY:

**MARTHA S. VERNLUND
1087 ATKINS STREET
MIDDLETOWN, CONNECTICUT 06457**

DATE OF VALUATION:

SEPTEMBER 27, 2001

PREPARED BY:

**MATTHEW WELINSKY & ASSOCIATES
POST OFFICE BOX 849
SOUTHINGTON, CONNECTICUT 06489**

MATTHEW WELINSKY

Real Estate Appraisals & Consultation

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October 22, 2001

Martha S. Vernlund
1087 Atkins Street
Middletown, Connecticut

*Re: Various Residential Parcels
Lamentation Mountain
W/S Stantack Road
Middletown, Connecticut
Owner: Martha S. Vernlund*

Dear Ms. Vernlund:

Pursuant to your request, I have examined the above-referenced property for the purpose of estimating the market value of the fee simple estate as of September 27, 2001. It is my understanding this report is being prepared for internal purposes relating to a possible acquisition of the property by the Town of Middletown under the State of Connecticut sponsored Open Space Grant Program.

The property being appraised consists of five (5) discrete parcels of land containing a combined area of 58.8± acres located on the westerly side of Stantack Road within proximity to the Berlin and Meriden town lines. The individual lots are identified on Assessor Map 1 as lot 1 and Assessor Map 2 as lots 12, 15, 16 and 18. The lots contain the following areas respectfully: 28.6 acres; 6.5 acres; 6.2 acres; 8.9 acres and 8.6 acres. Collectively, the land is private forestland that is part of the Tri-Town Project identified as Lamentation Mountain. The topography is rolling with undulating character and slopes in an easterly direction. Slopes are generally in the 5%-10% range. A majority of the lots are long and narrow in design with access via an unimproved city road identified as Footit Drive. Footit Drive leads to Stantack Road which is a paper street (town is not obligated to improve) which does limit the overall developmental potential of the land associated with Stantack Road.

Under a market value estimate (fee simple), the highest and best use for the subject property would be for residential development, perhaps similar to properties located on Footit Drive. The R-60 zoning classification requires lots that are approximately 1½ acres in area. However, due to the lack of approved access (Stantack Road is a paper street), the cost associated with developing appropriate access for the 25 lots located on the westerly of Stantack Road must be of a private nature. This could be accomplished on an assemblage basis by all the owners (form group for developmental purposes) or possibly through a sale to a developer who would then construct proper access.

The property is rear located forestland located within the extreme northwesterly section of Middletown. The neighborhood consist of this privately owned woodlands, several private homes in the southerly portion of the area with several larger residential developments in the general area, including one located in Berlin on the northerly boundary of the land under appraisalment.

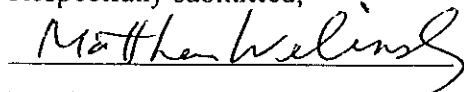
This appraisal is predicated on the assumption that hazardous substances do not exist at the subject property. No apparent evidence of contamination or potentially hazardous material was observed on the date of inspection (see later discussion).

Based upon my investigation of the real estate market in the Middletown area and after considering all of the pertinent facts as set forth in the body of this appraisal report, as of September 27, 2001, the subject property is estimated to have the following market value estimates in fee simple estate:

TWO HUNDRED THOUSAND (\$200,000) DOLLARS

LOT #1	- \$85,000 (includes lot 1A)
LOT #12	- \$22,750
LOT#15	- \$27,900
LOT#16	- \$31,150
LOT#18	- \$32,250

Respectfully submitted,



Matthew Welinsky

M. Welinsky & Associates

Certified General Real estate Appraiser # RCG616

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SUBJECT PHOTOGRAPHS



VIEW FROM THE SOUTH SHOWING STANTACK ROAD AND GENERAL
NEIGHBORHOOD CHARACTERISTICS



INTERIOR VIEW FROM STANTACK ROAD SHOWING SUBJECT PROPERTY

SALIENT FACTS

Property Address:	Residential Acreage (Lots 1, 12, 15, 16 and 18) W/S Stantack Road Middletown, Connecticut
Purpose of Assignment:	Market Value appraisal for acquisition purposes by town of Middletown under open space program
Interest Appraised:	Fee simple interest
Property Type:	Raw residential acreage (unimproved/unapproved) Five discrete lots ranging from 6.2 acres to 28.6 acres
Key Physical Attributes:	The property being appraised consists of approximately 58.8± acres, which is comprised of five individual lots. The land is rear located forest located east of Lamentation Mountain and west of Stantack Road, a dirt trail that is not a city road (paper street only). The land is comprised of woodlands, wetlands with undulating topography which slopes/drains in an easterly direction from the mountain area. Future development is somewhat restricted, both in a physical sense as well as from a financial perspective. The land is part of Lamentation Mountain (Tri-Town Project) which is a land use plan for Berlin, Middletown and Meriden.
Zoning:	The site is zoned by the town of Middletown as R-60 which permits single family dwellings (60,000 SF minimum size lots).
Assessment:	\$3,750 (Forest classification); taxes are \$155.31
Property Ownership:	Martha S. Vernlund

SALIENT FACTS

Date of Inspection: September 27, 2001

Effective Date of Valuation: September 27, 2001

Highest and Best Use: Developmental potential exist but impacted due to physical characteristics of property, locational characteristics including unapproved city road, financial constraints due to above average developmental cost; assemblage may be possible but numerous owners with atypical lot configuration affects developmental potential; highest and best use is for developmental purposes using quasi-city road standards and oversize building lots

Estimated Marketing

Time: 12 months

INDICATED VALUES:

Cost Approach: Not Applicable

Sales Comparison Approach: \$200,000*

Income Approach: Not applicable

* represents total of the five (5) lots under appraisal as follows (assumed conditions):

Lot #1 \$85,000

Lot #12 \$22,750

Lot #15 \$27,900

Lot #16 \$31,150

Lot #18 \$32,250

MARKET VALUE CONCLUSION:..... \$200,000

IDENTIFICATION OF PROPERTY

The Subject of this appraisal assignment is five (5) unimproved unapproved parcels of residential land that contain a total area of approximately 58.8 acres which are located on the westerly side of Stantack Road in Middletown, Connecticut. The parcels are geographically situated in the extreme northwesterly portion of Middletown near the towns of Berlin and Meriden. The parcel is located within a rural forest area which is part of Lamentation Mountain Tri-Town Project (land use plan).

The individual lots were referenced on various older maps provided by the current owner in addition to being identified on Assessor Map 1 as Lot 1* and Assessor's Map 2 as Lots 12, 15, 16 and 18. The property is legally defined in Volume 548, Page 16, Volume 627, Page 273, Volume 1183, Page 74, Volume 741, Page 114 and Volume 548, Page 36 of the Middletown Land Records, respectfully.

PURPOSE OF APPRAISAL

The purpose of this appraisal report is to estimate the market value in fee simple estate, as of the date of inspection, September 27, 2001. The market value estimate will reflect a value under its current classification as rear located forest located on Stantack Road, which is classified as a paper street by the City of Middletown.

* lot 1 (assessor records) includes lot 1 and lot 1A according to the owners records; furthermore, this appraiser was informed by the property owner and the city planner that lot 1 is under title dispute and that a claim was filed regarding ownership; assessor records indicate that Martha Vernlund is the owner; no title search or other investigation was performed by the appraiser as the appraiser is not an expert in this field; lot 1 has been appraised as if owned by Martha Vernlund with this appraisal report subject to review/change pending the receipt of any pertinent information regarding the title issue.

SCOPE OF APPRAISAL

The scope of this residential acreage analysis involved the following logical investigations:

- A physical inspection of the subject property on September 27, 2001 to ascertain pertinent site characteristics including topographical features, neighborhood environs and general physical characteristics that could affect market value:
- An examination of all appropriate legal data including survey plans, assessor's map and references, deeds, wetlands, floodplain and topography maps, etc.
- Research of the general Middletown area for appropriate sales of residential acreage; sales of raw land with some developmental potential, sales of forest land and/or land that demonstrates some similar characteristics as the subject;
- If possible, a discussion with either grantor, grantee and/or their respective representative regarding confirmation of the sales data and whether any mitigating circumstances existed:
- A synthesis of all pertinent information and market related data was undertaken that will lead to a market value estimate for the five residential zoned parcels in an "as is" status.

MARKET VALUE DEFINITION

Market value, as approved and adopted by the Appraisal Foundation and Appraisal Institute is as follows:

... the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;*
- 2. both parties are well informed or well advised, and acting in what they consider their own best interests;*
- 3. a reasonable time is allowed for exposure in the open market;*
- 4. payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and,*
- 5. the price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.'*

EFFECTIVE DATE OF VALUATION

The physical inspection took place on September 27, 2001 with this date utilized as the effective date of the appraisal.

MARKETING TIME

Marketing time is an estimate of the amount of time it might take to sell the property interest appraised at our estimate of market value during the period immediately after the effective date of valuation. The value conclusion reported herein assumes a marketing period of approximately one-year.

¹ *Standards of Professional Appraisal Practice of the Appraisal Institute and Uniform Standards of Professional Appraisal Practice, The Appraisal Foundation, 1994, page 7.*

HISTORY OF THE SUBJECT PROPERTY

General: According to the assessor records of Middletown, the subject property is currently in the ownership of Martha S. Vernlund. The property had been in the family since circa 1938 with various other parcels acquired by Robert and Martha Vernlund in 1963. Martha Vernlund acquired Lot 16 in 1985. The property has existed as forestland and has not been approved/improved over the years. The property is part of the Lamentation Mountain Tri-Town Project, which is a land use plan prepared in 1994 for the towns of Berlin, Middletown and Meriden. The plan was prepared to assist all three towns to work on a conservation and development plan for Lamentation Mountain, which is located within all three towns.

CRITICAL DISCLOSURES AND LIMITING CONDITIONS

The value estimated in this appraisal report is subject to the following critical disclosures and limiting conditions, in addition to the standard Assumptions and Limiting Conditions located at the end of this report.

Standards: This appraisal report attempts to satisfy appropriate federal (FIRREA), industry (USPAP), and client standards.

Statement of Appraiser Competence: Matthew Welinsky & Associates states that Matthew Welinsky has the experience and educational background to appraise residential land such as the subject property.

ADA: We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA), nor have we considered possible noncompliance with the requirements of ADA in estimating the value of the property.

Hazardous: This appraisal is predicated on the assumption that hazardous substances do not exist at the subject property. Hazardous substances cover any material within, around, or near a property that may have a negative effect on its value, including, without limitation, hazards that may be contained within the property, such as friable asbestos or lead paint; and external hazards, such as toxic waste or contaminated ground water. No apparent evidence of contamination or potentially hazardous materials was observed or reported on the date of inspection. Members of this appraisal office are not qualified to determine the existence of, nor is any certification made as to the presence or absence of, any hazardous substances. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

COMMUNITY DATA

Middletown

Connecticut

Town Hall
P.O. Box 1300
Middletown, CT 06457
(860) 344-3401

Belongs to
Middlesex County
Hartford Labor Market Area
Middlesex County Economic Dev. Region
Midstate Planning Area

Incorporated in 1653

Demographics

				<i>Race/Ethnicity (1998)</i>			
<i>Population (1998)</i>	<i>Town</i>	<i>County</i>	<i>State</i>		<i>Town</i>	<i>County</i>	<i>State</i>
1980	39,026	129,017	3,107,580	White	35,018	136,456	2,648,212
1990	42,762	143,196	3,287,116	Black	5,196	6,562	274,213
1998	43,358	149,610	3,271,239	Asian Pacific	1,265	2,364	73,304
2003	44,192	154,241	3,272,149	Native American	77	237	5,952
'98-'03 Growth	1.92%	3.10%	0.03%	Other	57	135	5,336
				Hispanic (any race)	1,745	3,856	264,222
Land Area (sq. miles)	40.90	369.28	4,845	<i>Poverty Rate (1990)</i>	7.02%	3.96%	6.61%
Pop./Sq. Mile (1998)	1,060.10	405.14	653	<i>Educational Attainment (1990)</i>			
Per Capita Inc. (1998)	\$23,376	\$25,497	\$27,078	Persons Age 25 or Older	<i>Town</i>	<i>%</i>	<i>State %</i>
Households (1998)	17,419	58,001	1,229,087	High School Graduate	7,956	28.7%	648,366 29.7%
Median Age (1997)	34.5	37.6	37.2	Some College	6,128	22.1%	495,696 22.7%
<i>Age Distribution (1998)</i>				Bachelors or More	7,328	26.5%	597,693 27.4%
	<i>0-4</i>	<i>5-17</i>	<i>18-24</i>	<i>25-49</i>	<i>50-64</i>	<i>65+</i>	<i>Total</i>
Male	1,392 7%	3,463 16%	2,389 11%	9,246 44%	2,498 12%	2,067 10%	21,055
Female	1,325 6%	3,221 14%	2,303 10%	9,324 42%	2,811 13%	3,319 15%	22,303
County Total	9,278 6%	24,735 17%	12,244 8%	59,822 40%	22,811 15%	20,720 14%	149,610
State Total	216,119 7%	550,400 17%	280,101 9%	1,257,928 38%	499,093 15%	467,598 14%	3,271,239

Economics

<i>Business Profile (1997)</i>				<i>Top Five Grand List (1997)</i>			
<i>Sector</i>	<i>Firms</i>	<i>% of Total</i>	<i>Emp. % of Total</i>		<i>Amount</i>	<i>% of Total</i>	
Agriculture	30	1.7%	106 0.5%	Aetna	\$224,732,150	10.43%	
Const. and Mining	214	12.0%	803 3.8%	United Technologies	\$152,760,500	7.09%	
Manufacturing	73	4.1%	2,645 12.5%	Connecticut Light & Power Company	\$91,538,630	4.25%	
Trans. And Utilities	49	2.7%	1,012 4.8%	Carabetta	\$23,183,840	1.08%	
Trade	418	23.4%	3,450 16.3%	Midfield Corporation	\$22,841,300	1.06%	
Finance, Ins. and Real Estate	134	7.5%	1,359 6.4%	Grand List Total (1996)	\$2,154,797,576		
Services	823	46.1%	7,900 37.4%	<i>Top Five Major Employers (1997)</i>			
Government	44	2.5%	3,863 18.3%	Aetna	Westlyan University		
Total	1,785	100.0%	21,138 100.0%	Pratt & Whitney	Middlesex Hospital		
				Connecticut Valley Hospital			
				<i>Retail Sales (1996)</i>	<i>Town</i>	<i>State</i>	
					\$288,371,385	\$30,837,967,729	

Education

<i>1995-1996 School Year</i>				<i>Connecticut Mastery Test Percent Above Goal</i>							
	<i>Town</i>	<i>State</i>		<i>Grade 4</i>		<i>Grade 6</i>		<i>Grade 8</i>			
Total Students	4,834	461,203		<i>Town</i>	<i>State</i>	<i>Town</i>	<i>State</i>	<i>Town</i>	<i>State</i>		
Total Expenditures Per Pupil	\$8,464	\$8,300		Reading	48 55	55 60	64 64				
Average Teacher's Salary	\$50,542	\$48,598		Math	58 59	47 52	47 51				
Students Attending Public School	81.3%	89.2%		Writing	40 46	51 46	74 51				
Student/Teacher Ratio	14.9	14.5		<i>Average SAT Score</i>				<i>Town</i>	<i>State</i>		
Grads Pursuing Post-Sec. Education	76.3%	75.8%		Verbal				481	503		
High School Dropout Rate	7.2%	4.6%		Math				481	499		
<i>Average Class Size</i>											
Kindergarten 20.0	Grade 2 20.0										
Grade 5 21.6	Grade 7 24.4	High School 21.5									

COMMUNITY DATA

Connecticut Town Profiles 1998-1999

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Middletown Connecticut

Government

Government Form	Mayor- Council	Annual Debt Service (1996)	\$11,096,000
Total Revenue (1996)	\$76,968,000	As % of Expenditures	17.5%
Tax Revenue	\$48,961,000	Equalized Grand List (1996)	\$2,854,551,809
Non-tax Revenue	\$2,978,000	Per Capita	\$65,169
Intergovernmental	\$25,029,000	As % of State Average	83.6%
Per Capita Tax (1996)	\$1,154	Date of Last Revaluation	10/ 1/87
As % of State Average	81.1%	Moody's Bond Rating (1997)	Aa3
Total Expenditures (1996)	\$63,254,000	Actual Mill Rate (1997)	23.10
Education	\$35,967,000	Equalized Mill Rate (1996)	18.38
Other	\$27,287,000	% of Grand List Com/Ind (1995)	30.1%
Total Indebtedness (1996)	\$60,106,000		
As % of Expenditures	95.0%		
Per Capita	\$1,372		
As % of State Average	131.8%		

Housing

Housing Stock (1997)	Town	County	State	Sales Price Distribution (1996)	Town	County	State
Existing Units (total)	18,906	65,409	1,374,566	Number of Sales			
% Single Unit	48.2%	73.1%	62.9%	Less than \$100,000	347	980	22,254
New Permits Auth. (1997)	123	625	9,349	\$100,001-\$200,000	237	1,286	20,713
As % Existing Units	0.65%	0.96%	0.68%	\$200,001-\$300,000	25	263	6,600
Demolitions (1997)	12	41	1,193	\$300,001-\$400,000	0	79	2,730
Residential Sales (1996)	610	2,661	56,333	\$400,001 or More	1	53	4,036
Average Price	\$112,580	\$150,373	\$194,596	1996 Characteristics			
Median Price	\$110,000	\$134,000	\$138,000	Owner Occupied Dwellings	8,535	38,474	807,559
				Housing Stock Age - Pre-1950	30.6%	28.5%	33.9%
				Subsidized Housing Units	3,572	5,076	148,930

Labor Force

1997	Town	County	State	Commuters (1990)			
Labor Force	23,694	81,578	1,723,300	Commuters into Town from	Town Residents Commuting to		
Employed	22,321	77,578	1,635,400	1. Middletown	10909	Middletown	10909
Unemployed	1,373	4,000	87,900	2. Meriden	1461	Hartford	2359
Unemployment Rate	5.8%	4.9%	5.1%	3. Cromwell	1308	Cromwell	887
Total Employment	28,440	64,510	1,581,700	4. Haddam	1183	Rocky Hill	715
Manufacturing	5,180	13,100	265,850	5. Portland	1169	Meriden	622
'92-'97 Growth Rate	0.5%	4.7%	4.3%	6. East Hampton	1000	Portland	543
Daytime Population	24,238	69,418	1,740,247	7. New Britain	759	East Hartford	470
				8. Middlefield	691	Newington	437
				9. Durham	681	New Britain	427
				10. Hartford	649	Wallingford	356

Quality of Life

	Town	State	Library (1996-1997)	Town	Residential Utilities		
Banks (1997)	15	1,378	Total Volumes	179,823	Electric Provider		
Lodging (1997)	3	756	Circulation Per Capita	12.6	Connecticut Light & Power		
Day Care Facilities (1998)	25	1,651			1-800-286-2000		
Infant Mortality Rate			Distance to Major Cities	Miles	Gas Provider		
Per 1,000 Res. (1995)	1.788	0.099	Hartford	14	Yankee Gas Company		
Crime Rate (1996)			Boston	100	1-800-989-0900		
Per 1,000 Residents	46.1	40	New York City	91	Water Provider		
% Open Land (1990)	52.1%	68.8%	Providence	67	Municipal Provider		
					Contact local provider		
Hospitals (1997)	1	1			Cable Provider		
Total Beds	275	275			Comcast Cablevision of Middletown, Inc.		
					860-613-3000		

COMMUNITY DATA

The number of residential building permits in Middletown over the past several years are as follows:

Calendar Year	Number of Permits
2001	90+ through September
2000 (fiscal year)	103 +
2000	135 +
1999	80-85 (data incomplete)

The number of building permits for single family dwellings has stabilized over the past several years and has demonstrated an aggressive residential marketplace. Strong demand for housing coupled with very attractive mortgage rates has kept residential construction busy and one of a few industries not currently affected by today's uncertain economic climate.

The current residential marketplace is aggressive due to pent up demand from the early to mid 1990's and because mortgage rates are at an all time low. Thus, the land component becomes more valuable as developers are anticipating a strong residential marketplace over the future years. The residential dwellings that are currently being built demonstrate that today's buyer wants luxury along with larger size dwellings. Thus, many of the subdivisions under construction in Middletown (as well as other communities) are large dwellings (2,500-3,000 SF) with numerous amenities. The land is the most important component and there exist only a certain amount of land capable to be utilized for developmental purposes.

The following chart represents a sampling of subdivisions that have been approved over the past several years that are currently under development within proximity to the subject property. This mini-discussion has been developed to reflect the current residential marketplace within the general area where the subject property is located. The supply/demand spectrum is pertinent to any land valuation as a scarcity of either factor would certainly affect market value of land and/or building lots.

Our general investigation indicated that the market, specifically at the upper end of the pricing scale, has begun to demonstrate some lessening of demand. This is due to the abundance of recent layoffs relating to the larger firms tied to the technology and communications field. Additional problems relating to the terrorist attacks and the travel industry along with the problems currently being experienced by the stock market have all contributed to this problem. Only time will tell if the general real estate marketplace will also be affected or will be able to handle the current talk of a pending recession which some economists believe has already arrived.

COMMUNITY DATA

IDENTIFICATION	# OF BUILDING LOTS	COMMENTS
Pinehurst Estates Atkins Street	11 R60	24.40 acres subdivided into 11 approved lots, executive style homes under construction
Steeple Chase Atkins Street	45 lots	Upscale development of larger homes, mountain views with trails, starting at \$435,950, 3 homes sold, limited activity taking place at this time
Westfield Hills Chelsea Court (off Atkins Street)	15 lots existing subdivision	Package homes starting at \$309,900; older section established, new section under construction and near completion of 15 new home sites
Old Farms West South of Footit Drive	22 lots	Packaged homes constructed, executive nature, all homes completed and sold

In addition numerous smaller subdivisions have been approved or existing ones have been granted extensions or new phases. A majority of subdivisions offer 'packaged homes' in lieu of selling individual lots.

In conclusion, the following comments provide a summary of the current residential marketplace:

- *The residential marketplace is strong and expected to continue*
- *Sales prices are increasing for lots and/or new construction*
- *Demand is for dwellings in the 2,200-2,800 SF range*
- *Estimated lot inventory is 1.5 - 2.0 years*
- *Past 3 years have indicated strong demand for new housing*
- *Attractive mortgage rates are available on a fixed basis*
- *Average sale price for new dwellings are in the \$270,000-\$350,000 range*
- *Several newer subdivisions are in the \$400,000 and up range*

The previous data is considered supportive documentation that residential land is still in strong demand and that developers are actively seeking land capable of subdivision development.

NEIGHBORHOOD DESCRIPTION

LOCATION

The subject is located in the extreme northwesterly section of the Town of Middletown. The neighborhood is generally bounded to the north by undeveloped forest land/town line of Berlin and the Spruce Brook Road subdivision, to the west by Lamentation Mountain and forest land, to the south by Footit Drive residential properties and a residential subdivision and to the east by Atkins Street which contains a mixture of residential properties including several subdivisions under development.

ACCESS

The subject is located off Stantack Road with each lot having frontage on Stantack Road which is reported as not being an approved road (paper street) belonging to the town of Middletown. The property is accessible from Footitotite which is a gravel based accepted city road.

INFLUENCES

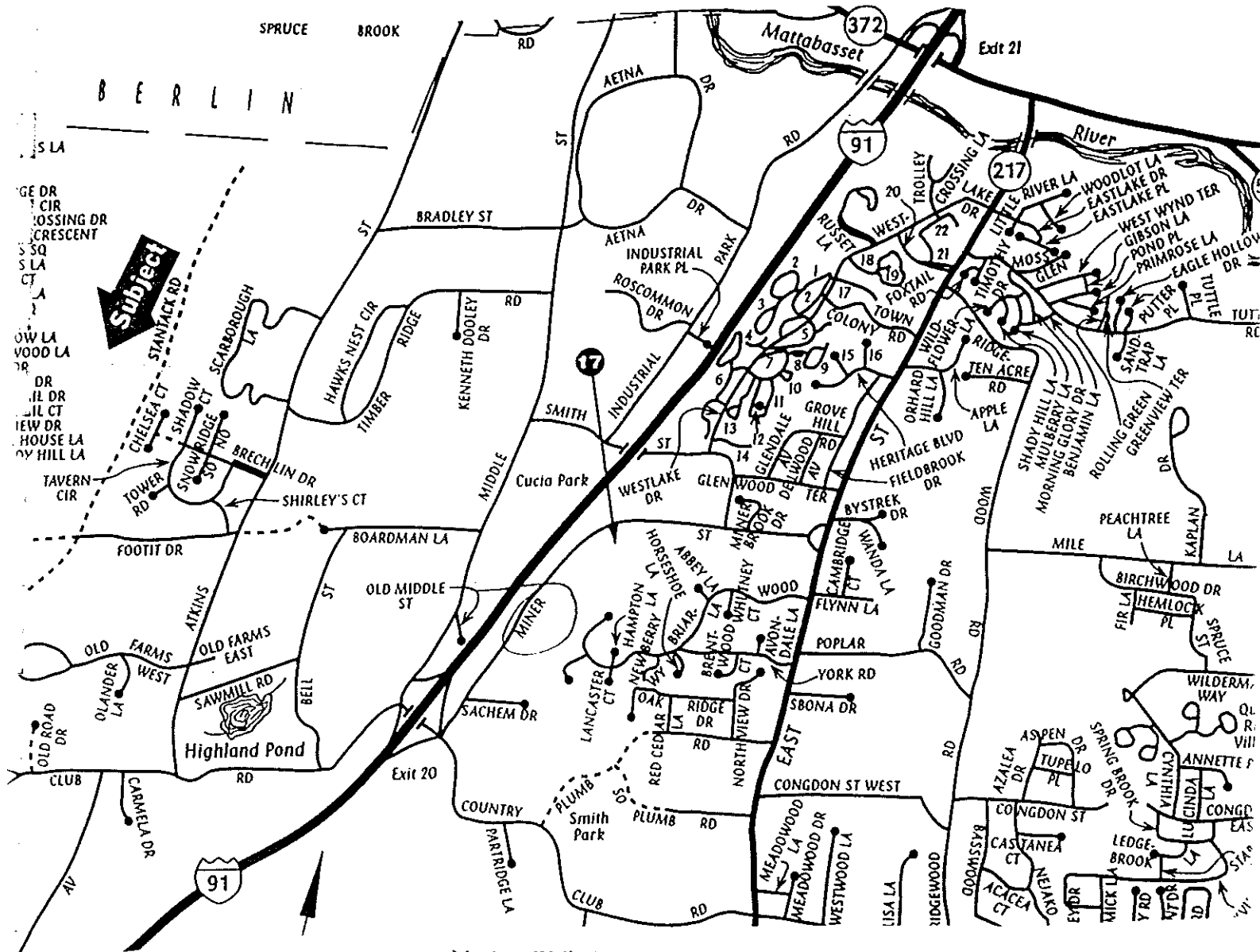
The immediate neighborhood is comprised of a scattering of residential dwellings along Footit Drive with several dwellings located at the intersection of Footit Drive and Stantack Road. The area demonstrates a rural residential character with a majority of the area unimproved forest land. It is evident the improvements surrounding the subject property are residential and vary from average to good overall quality. New residential development is taken place off Atkins Street within several subdivisions under development.

Additional neighborhood influences include the adjacent towns of Meriden and Berlin. Both town lines are within 1-2 miles from the subject with a good quality residential subdivision located in Berlin just north of the subject property. The town of Berlin up to the Middletown town line has abandoned Stantack Road. The subdivision has a gate across the Stantack Road (gravel path) access into Middletown. A discussion with the town of Berlin (engineering department) indicated that the abandonment had taken place, however, the land had not been allocated to either the adjacent owners or the former owners. No other data was available.

NEIGHBORHOOD DESCRIPTION

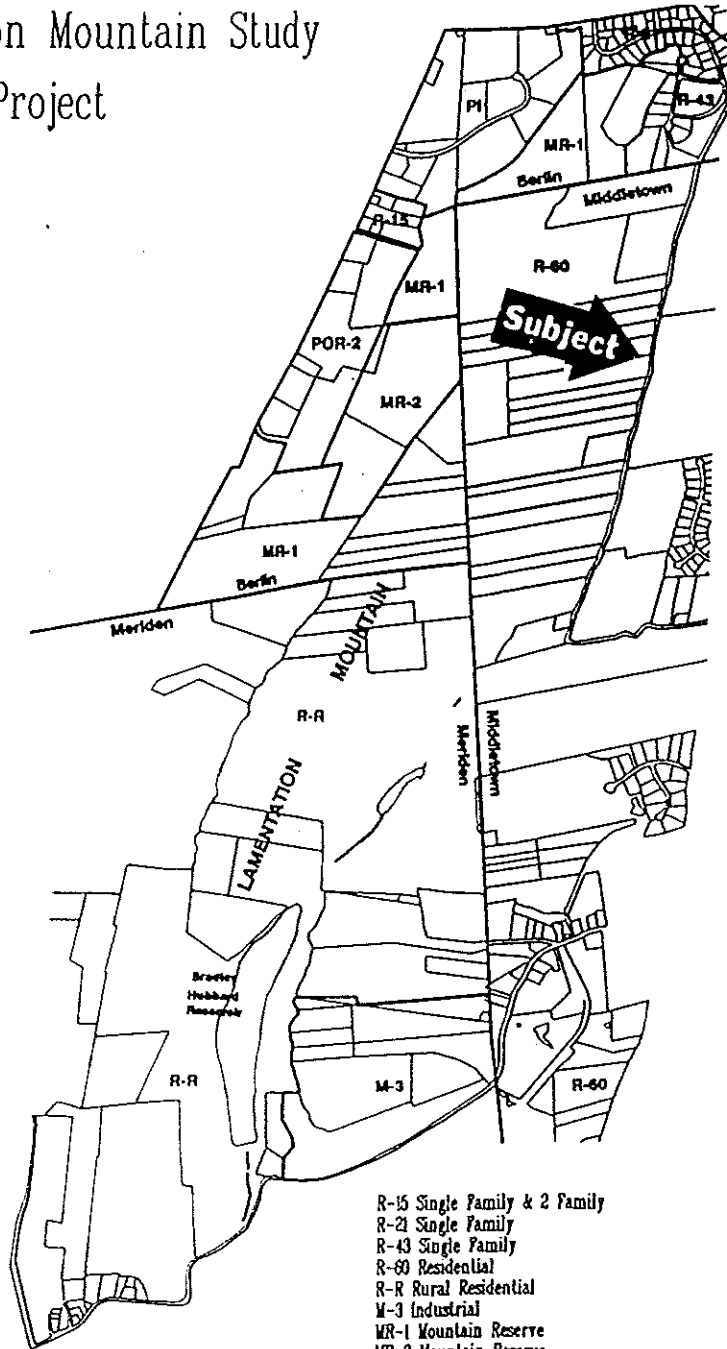
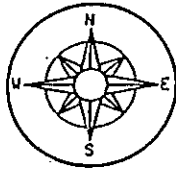
CONCLUSION

The subject property is located in a residential area that demonstrates rural characteristics however, it is reasonably convenient to services, I-91 and neighboring towns. The subject is five raw parcels of residential land that is a portion of the Lamentation Mountain project, which is a three-town land use plan. All lots have frontage on Stantack Road with rolling/undulating topography that slope in an easterly direction. Its greatest asset is its privacy along with some potential for development. Its least desirable asset is that Stantack Road is not an approved city road, which impacts the overall developmental potential (see later discussion). General locational characteristics are considered average to below average with the area offering a great deal of privacy.



ZONING MAP

Lamentation Mountain Study Tri-Town Project Zoning



- R-15 Single Family & 2 Family
- R-21 Single Family
- R-43 Single Family
- R-60 Residential
- R-R Rural Residential
- M-3 Industrial
- MR-1 Mountain Reserve
- MR-2 Mountain Reserve
- PI Planned Industrial
- POR-2 Planned Office / Residential

ZONING

ZONING

Classification: Residential (R-60)

Permitted Use: Single family dwelling is a permitted use. Additional uses include the following: farming or other agriculture use, and residential unit business pursuit.

Special Exception: Child Care facilities, Natural Resource Extraction, Cemeteries and other places of burial of the dead, Churches and other places of worship, Outdoor Recreational uses such as parks, playgrounds, etc., Leaf composing area.

Dimensional Requirements:

Required

Minimum Lot Area	60,000 square feet
Minimum Frontage	200 feet
Minimum Side Yard	20 feet
Minimum Rear Yard	30 feet
Minimum Front Yard	50 feet
Maximum Lot Coverage	25%
Maximum Building Height	36 feet or 3 stories

Rear lots require not less than twice the required size of a lot for the zone the rear lot is located in except no rear lot must be greater than 80,000 square feet; fee simple access in the same ownership as the lot is necessary with a width of not less than 25 feet from a City street.

In conclusion, the subject property is located on a road that is classified as a paper street only. The city indicated that they are not under any obligation to improve the existing dirt trail to a road acceptable to city standards. Therefore, developmental activity would be of a private nature and probably, would involve the "assemblage factor" (see later discussion in highest and best use).

REAL ESTATE TAXES

The Town of Middletown underwent revaluation effective October 1, 1998. Full re-valuations take place at 10-year intervals. Middletown is currently operating in the 2000 Grand List year with an applicable tax rate of 30.3 mills, adjusted for Westfield at 1.2 mills, for an adjusted tax rate of 31.5 mills. Taxes for the 2000 Grand List are due in July of 2001 and January of 2002. According to the tax assessor's office, the following assessments are based on a forest classification, which is based on a land value of \$120/acre

Map 1, Block 9-1, Lot 1 & 1A

Total Assessment	\$2,390
Tax Rate	<u>x 31.5 mills</u>
Total Tax Liability	\$75.29

Map 2, Block 9-1, Lot 12

Total Assessment	\$550
Tax Rate	<u>x 31.5 mills</u>
Total Tax Liability	\$17.33

Map 2, Block 9-1, Lot 15

Total Assessment	\$520
Tax Rate	<u>x 31.5 mills</u>
Total Tax Liability	\$16.38

Map 2, Block 9-1, Lot 16

Total Assessment	\$750
Tax Rate	<u>x 31.5 mills</u>
Total Tax Liability	\$23.63

Map 2, Block 9-1, Lot 18

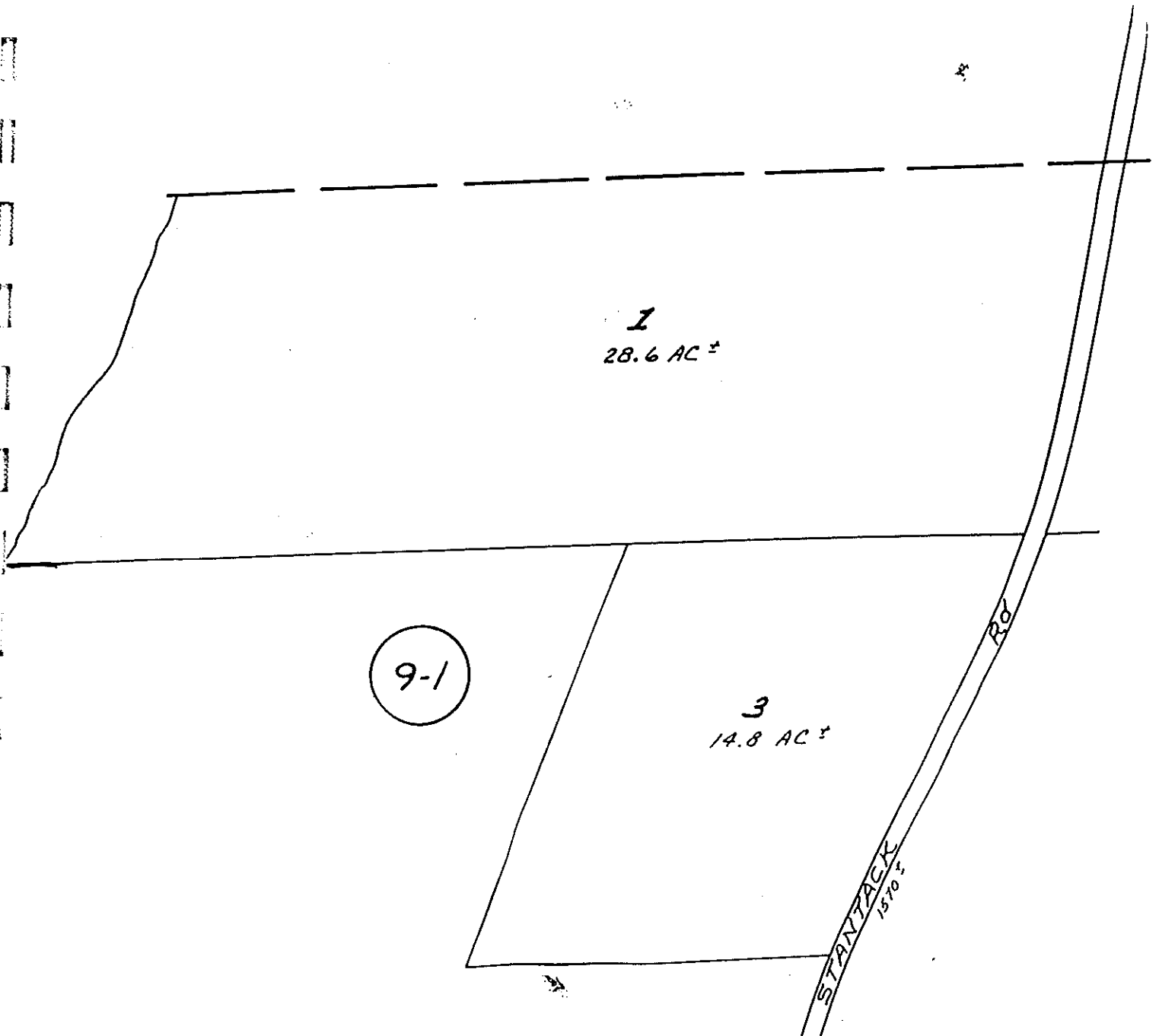
Total Assessment	\$720
Tax Rate	<u>x 31.5 mills</u>
Total Tax Liability	\$22.68

Middletown Historical Mill Rates

Year	Mill Rate	Annual Change
1994	22.9	-
1995	23.1	0.9%
1996	23.1	0.0%
1997	24.4	5.63%
1998	28.1	15.16% *
1999	29.0	3.2%
2000	30.3	4.5%

The overall tax rate has remained relatively stable since 1994 through 1996. Tax year 1997 experienced a 5.63% increase. The increase from 1994 through 1997 had only been approximately 6.55% which indicates an average increase of approximately 2.2% on an annual basis. The re-valuation took place in 1998*. Annual increases since the re-valuation have average approximately 3.85%. Therefore, future tax increases, if necessary, will be calculated at the 4.0% level.

SITE SKETCH-LOT 1



SITE DESCRIPTION

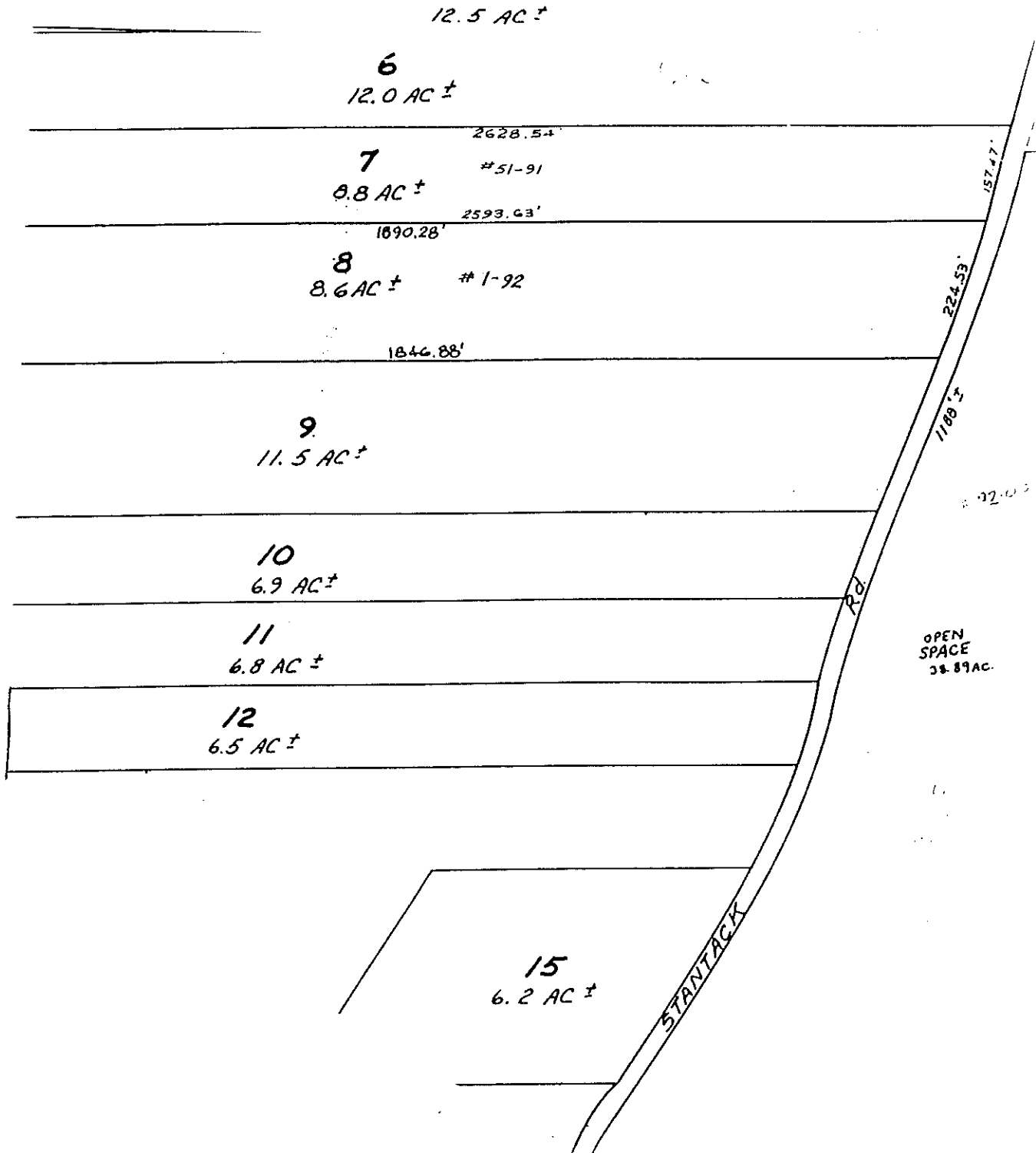
PHYSICAL CHARACTERISTICS

Lot #	Lot 1 (volume 548, page 16); includes lot 1A
Area:	28.6 acres
Street Frontage:	750 \pm feet of frontage on westerly side of Stantack Road
Shape:	Rectangular shaped (slight irregular configuration)
Character:	Forest land
Topography:	Rolling, undulating, 5%-10% slopes
Soil Type:	CyC (Cheshire Holyoke), Wt (Extremely stony silt loam) **
Wetlands:	Several watercourses noted in area, partial wetlands
Utilities:	Electric (from Footit Drive and lower part of Stantack Road), well and septic necessary.
Developmental Potential:	See previous discussion; 3 lots possible per zoning regulations**
Easements:	Noted recorded
Flood Zone:	09 0068 0001 C (Panel not printed, not located in flood zone)
Restrictions:	Paper road, city under no obligation to improve**
Miscellaneous:	Dense forestland, dirt trail for access

**no environmental report available, status unknown*

*** no perc information available, road development possible by owners and/or developer via assemblage*

SITE SKETCH-LOT 12



SITE DESCRIPTION

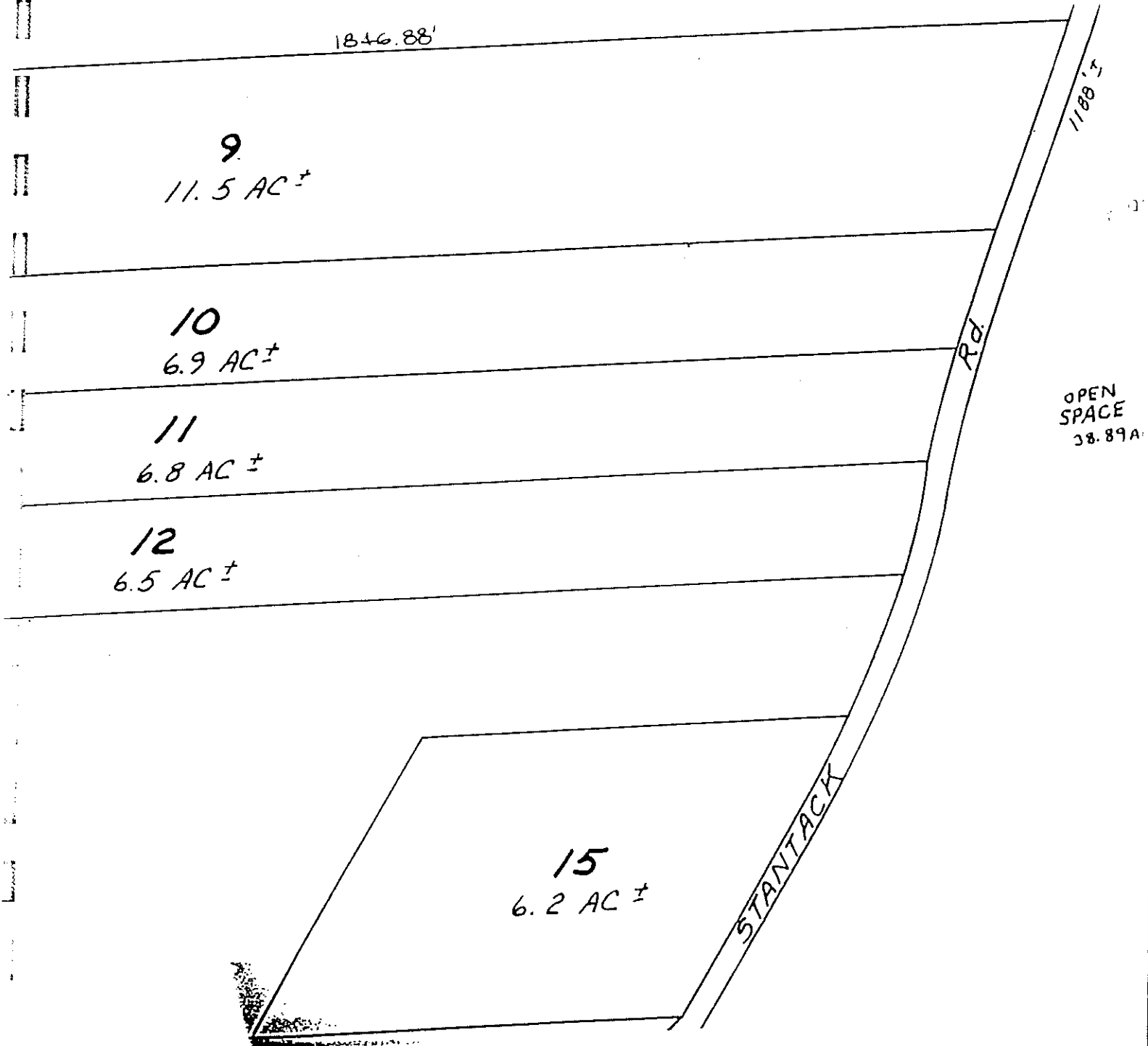
PHYSICAL CHARACTERISTICS

Lot #	Lot 12
Area:	6.50 acres
Street Frontage:	170 \pm feet of frontage on westerly side of Stantack Road
Shape:	Rectangular shaped (long narrow configuration)
Character:	Forest land
Topography:	Rolling, undulating, 5%-10% slopes, and greater slopes in west direction
Soil Type:	CyC (Cheshire Holyoke)*
Wetlands:	Some wetlands noted, watercourse
Utilities:	Electric (from Footit Drive and lower part of Stantack Road); well and septic necessary.
Developmental Potential:	See previous discussion; 1 lot possible per zoning regulations**
Easements:	None recorded
Flood Zone:	No flood zone (panel not printed)
Restrictions:	Paper road, city under no obligation to improve**
Miscellaneous:	Dense forestland, dirt trail for access

**no environmental report available, status unknown*

*** no perc information available, road development possible by owners and/or developer via assemblage*

SITE SKETCH-LOT 15



SITE DESCRIPTION

PHYSICAL CHARACTERISTICS

Lot #	Lot 15
Area:	6.20 acres
Street Frontage:	500 \pm feet of frontage on westerly side of Stantack Road
Shape:	Rectangular shaped
Character:	Forest land
Topography:	Rolling, undulating, 5%-10% slopes
Soil Type:	YaC, CyC *
Wetlands:	None noted (subject to available maps)
Utilities:	Electric (from Footit Drive and lower part of Stantack Road); well and septic necessary.
Developmental Potential:	See previous discussion; 2 lots possible per zoning regulations**
Easements:	None recorded
Flood Zone:	Panel not printed in flood zone)
Restrictions:	Paper road, city under no obligation to improve**
Miscellaneous:	Dense forestland, dirt trail for access

**no environmental report available, status unknown*

*** no perc information available, road development possible by owners and/or developer via assemblage*

SITE SKETCH-LOT 16

14
30 AC \pm

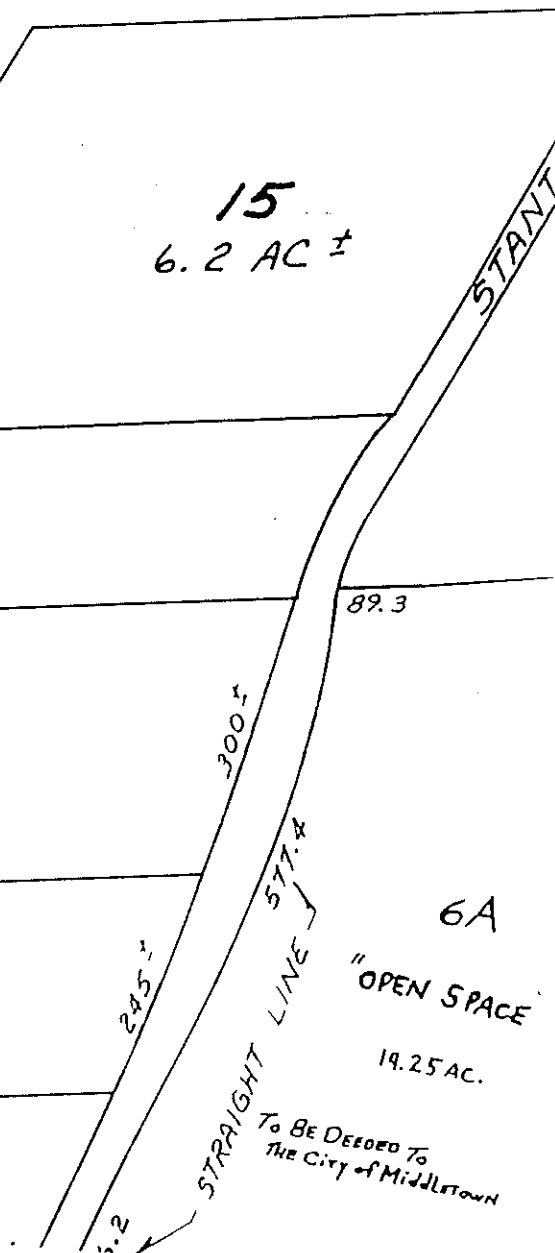
15
6.2 AC \pm

16
8.9 AC \pm

17
13.8 AC
#3012

18
8.6 AC \pm
#3012

9-1



SITE DESCRIPTION

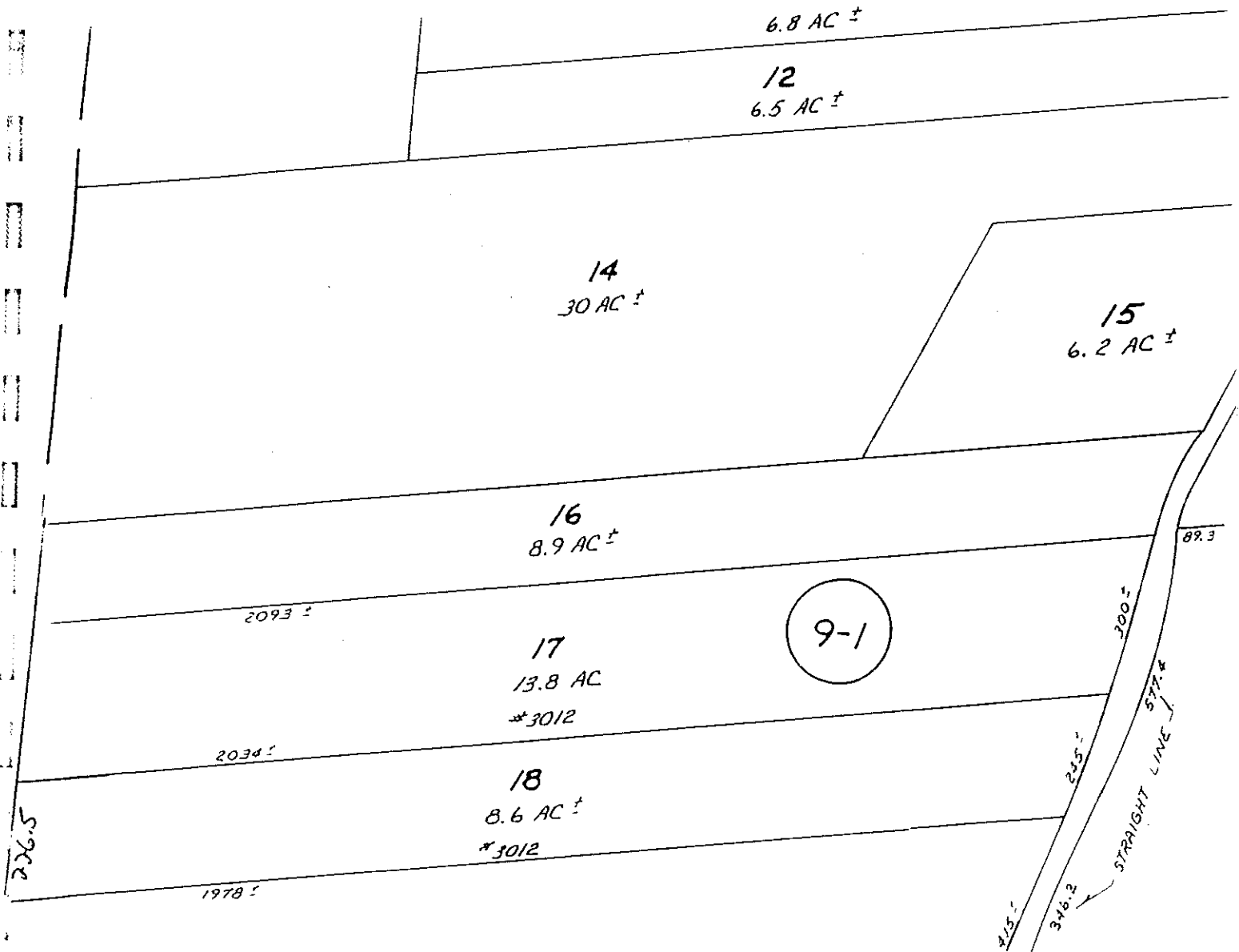
PHYSICAL CHARACTERISTICS

Lot #	Lot 16
Area:	8.90 acres
Street Frontage:	220 \pm feet of frontage on westerly side of Stantack Road
Shape:	Rectangular shaped (long narrow configuration)
Character:	Forest land
Topography:	Rolling, undulating, 5%-10% slopes
Soil Type:	CyC (Cheshire Holyoke), Wt (Extremely stony silt loam) *
Wetlands:	Watercourse, some wetlands per town maps
Utilities:	Electric (from Footit Drive and lower part of Stantack Road); well and septic necessary.
Developmental Potential:	See previous discussion; 1 lot possible per zoning regulations**
Easements:	None recorded
Flood Zone:	Not printed in flood zone)
Restrictions:	Paper road, city under no obligation to improve**
Miscellaneous:	Dense forestland, dirt trail for access

**no environmental report available, status unknown*

*** no perc information available, road development possible by owners and/or developer via assemblage*

SITE SKETCH-LOT 18



SITE DESCRIPTION

PHYSICAL CHARACTERISTICS

Lot #	Lot 18
Area:	8.60 acres
Street Frontage:	245 \pm feet of frontage on westerly side of Stantack Road
Shape:	Rectangular shaped (long narrow configuration)
Character:	Forest land
Topography:	Rolling, undulating, 5%-10% slopes
Soil Type:	CyC (Cheshire Holyoke), YaC (Yalesville Fine Sandy Loam) *
Wetlands:	Wetlands and watercourse
Utilities:	Electric (from Footit Drive and lower part of Stantack Road); well and septic necessary.
Developmental Potential:	See previous discussion; 1 lot possible per zoning regulations**
Easements:	None recorded
Flood Zone:	Panel not printed in flood zone)
Restrictions:	Paper road, city under no obligation to improve**
Miscellaneous:	Dense forestland, dirt trail for access

**no environmental report available, status unknown*

*** no perc information available, road development possible by owners and/or developer via assemblage*

HIGHEST AND BEST USE

According to the Appraisal Institute, highest and best use is defined as:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.²

Following this definition it can be safely assumed that no informed or well-advised owner would be warranted in selling for a price lower than that available for the best use. Once land is improved with a substantial structure, the result becomes an integrated unit. When a parcel of land is improved, the integrated unit (land and improvements) is normally continued in the use for which it was originally designed as long as the land and improvements combined have a higher market value than the land alone, as if vacant and available for a better use.

The highest and best use is not determined through subjective analysis by a particular individual, but is shaped by the competitive forces within the market. The imperfect real estate market determines the feasible, probable, and actual uses. The market, in terms of supply and demand, substitution, balance, and conformity are the basic tools for analyzing the relationships between economic behavior and the highest and best use.

To analyze the highest and best use, two distinctions must be made. First, the highest and best use of the site as though vacant and available for use is determined. Second, the highest and best use of the improved property (if appropriate) is analyzed and estimated.

The subject property is vacant residential acreage and therefore, a highest and best use as if vacant is applicable.

² *The Dictionary of Real Estate Appraisal, Third Edition*; Appraisal Institute, 1993

HIGHEST AND BEST USE

HIGHEST AND BEST USE AS IF VACANT

According to the definition of highest and best use, it is appropriate to analyze the site as it relates to the following four factors: *legality of use, physical possibilities, financial feasibility and maximally productive.*

Legally Permissible

The subject site is situated in the R-60 zone which permits single-family residential use and several special exception uses. The current use of the site is as vacant land that historically has existed as forestland accessible via a dirt trail. Legally, the subject land can be developed, however, Stantack Road (existing dirt trail) is only a paper street and the city of Middletown has no obligation to improve (see letter in addenda). A road similar to Footit Drive would require co-operation between all landowners and/or assemblage via a developer. Once the road is built to quasi-city standards (similar to Footit Drive per city planner), the subject lots would indeed be capable of development (see below). Besides restrictions imposed by the city of Middletown via zoning regulations, the appraiser is not aware of any other public or private restrictions.

Physically Possible

The 58.8± acres is made up of five (5) individual lots located on Stantack Road. All lots are similar in configuration, characteristics and topographical features. All lots conform to at least minimum zoning regulations for building purposes. Several parcels could be subdivided for additional lots. However, the major problem is that no information concerning the percolation character (septic system design) is available. It is possible that engineered septic systems would be necessary. The other major problem is that the road development would have to be completed for the lots to be considered appropriate for developmental purposes (see feasibility comments below)

Financially Feasible and Maximally Productive

The financially feasible factor relates to whether or not there is demand for new single family dwellings and whether building lots and/or 'packaged homes' can achieve the necessary dollar amount to warrant the feasibility of such a development. Our previous discussion and statistics

HIGHEST AND BEST USE

involving current supply of building lots, demand, pricing schedules, etc. would appear to support the utilization of the parcel for development (similar to Footit Drive properties). In theory, the owners would unite and form a developmental group wherein each property owner would be responsible for their pro-rata share of road cost. In theory, the land could be sold to a developer who would gain approval of the proposed subdivision and then begin the infrastructure construction (similar to Footit Drive). The only problem with selling the land to a developer is that all property owners must agree on the sale. The first scenario appears more reasonable. Once the cost of the road is determined, the value of each lot would be the projected market value estimate minus the pro-rata share of the road construction. Thus, the feasibility could be determined rather easily. Lots with longer frontage would pay more road cost, however, in theory, they can be subdivided to create additional lots.

Current lot prices are between \$70,000 to \$100,000+ and vary per specifics depending on location and neighborhood developmental characteristics. Lot prices have increased over the past 12-24 months. Current new dwellings are average approximately \$120-\$135/square foot of gross building area and generally range from \$275,000 to \$350,000 for new colonial style dwellings that range from 2,200 to 2,800 square feet (exceptions noted).

Conclusion

Based upon current zoning regulations, physical factors/characteristics and economic conditions (projected), the Highest and Best Use of the property under appraisal is for development as a residential subdivision, similar in design to Footit Drive, with larger lots within a forest setting, and in accordance with the Middletown Zoning Regulations. It should be noted that the subject property has no approvals granted and must receive all necessary zoning and wetland permits to be capable of development. Furthermore, an agreement (in theory) must be reached with the property owners to improve the access road. Based upon current information, the subject property, at least in theory, has the probability of being capable of being developed. This is not to say that problems don't exist but, in totality, the subject would have potential to be developed. The fact that potential to develop the land does exist will affect the achievable value of the land.

OVERVIEW OF APPRAISAL PROCESS

INTRODUCTION

The three traditional approaches to the appraisal of real estate have become institutionalized in the recent past. These conventional methods are known as the *Cost Approach*, the *Sales Comparison Approach*, and the *Income Approach*.

COST APPROACH

The Cost Approach requires an estimation of the cost to reproduce or replace the existing and proposed improvements on the property. Accrued depreciation from physical, functional, and economic sources is subsequently deducted to arrive at a cost less depreciation. The estimated land value and entrepreneurial profit is then added to arrive at a total value.

SALES COMPARISON APPROACH

The Sales Comparison or Market Data Approach consists of the collection and analysis of data relevant to actual sales of properties deemed comparable. Properties, which have been sold, are compared to the property under appraisal and adjustments to the sale prices are made based on differences between the subject and comparable sales. Adjustments are typically made for location, date of sale, building age, quality of construction, financing and projected income.

INCOME APPROACH

The Income Approach converts anticipated future cash flows into a present value estimate. This method is based on the premise that motivation for a property purchase is a function of the anticipation of future benefits to be gained from the investment. The potential purchaser, in essence, will trade the purchase price of a property for a projected income stream to be received in the future. Conversion of the anticipated cash flow into a value indication commonly occurs in the form of discounted cash flow analysis or application of a single capitalization rate to a stabilized income estimate.

CONSIDERATION OF THE THREE APPROACHES TO VALUE

These three methods are not mutually exclusive approaches to deriving an estimate of most probable selling price, but are interdependent methodologies, each relying on components from at least one of the other approaches. Hence, the cost approach requires extensive market data to

OVERVIEW OF APPRAISAL PROCESS

derive estimates of depreciation and to determine the value of land as if vacant. This approach may also require income data to make adjustments for functional and economic obsolescence. The sales comparison approach requires application of methods from the income approach to make adjustments for differences in income that have influenced the sale price. Consideration of market data is also required for the income approach in the selection and application of equity, capitalization, and discount rates as well as an estimation of income and expenses.

MOST PROBABLE BUYER

Critical to the selection of a valuation method and value parameters is a determination of the most probable buyer group and an analysis of their purchase motivations. Generally, the pool of potential buyers can be divided into three groups with independent objectives: (1) a buyer purchasing the property for his own use; (2) an investor seeking a competitive return on his investment; and (3) a speculator seeking appreciation.

There is often overlap among the three objectives, though usually the specific buyer has a primary objective while others are secondary. The most probable buyer will depend on the characteristics of the property, the local market and macroeconomics conditions. In the case of the subject property, the potential purchaser is expected to be a local developer familiar with Middletown.

CONCLUSION

Consequently, it is our opinion that purchasers and sellers, at least intuitively, consider components of all three approaches in the process of negotiating an acceptable price for a particular property. Due to the fact that the subject property is "raw" land, only the Sales Comparison Approach was considered appropriate to estimate value. This approach represents the most direct and accurate simulation of market behavior, and is explicitly employed by buyers and sellers making acquisition and disposition decisions. In this context, sales of residential land used for residential development purposes located in the city of Middletown were researched and analyzed. Those sales that displayed characteristics that were considered similar to the subject property were considered the most appropriate sales. Pertinent factors considered within this

OVERVIEW OF APPRAISAL PROCESS

appraisal were the available utilities, location, topographical features, approval status and the developmental potential of the subject property.

The subject property consist of approximately 58.8 acres of raw residential land that is comprised of 5 lots within a dense forest setting. The property has no approvals and has remained in its natural state over the years. The property will be appraised "as is" with the assumption that the land does have some developmental potential. The Sales Comparison Approach is typically utilized when a land value is projected. Within this approach to value, sales of residential land are analyzed, compared to the subject property and adjusted for all appropriate factors that may influence value. The sales selected should demonstrate some similar characteristic as the subject. The typical unit of comparison is sale price per acre and most importantly, sale price per building lot (approved or proposed/hypothetical). Since the subject is considered raw land with some potential for development, sale price per acre is considered the dominant unit of comparison.

The appropriate sales will now be presented for your perusal, followed by a discussion of each sales including an adjustment grid wherein each sale is compared to the subject for appropriate factors that influence value. Each sale will include a sketch of the property. Following the acreage sales, a summary table will be presented of additional land and/or building lot sales that took place within Middletown over the past several years. These sales are pertinent as when adjusted, could reflect the "retail value" of the subject lots assuming the access road is complete. The cost of development (pro-rata share), when subtracted from the projected retail value, would reflect the raw lot value, assuming the road was constructed.

Thus, this secondary approach should be compared to the per acre valuation as a check of the reasonableness of our projection. Also, this residual approach will be utilized to form a value range considered appropriate for the subject property.

SALES COMPARISON APPROACH

MARKET SALE 1

Location/Address	Stantack Road Map 2, Block 9-1, Lot 6 Middletown, CT
Grantor	Nancy C. Caputi
Grantee	Roger C. & Tammy A. Anderson
Date of Sale	January 28, 1999
Recorded Sale Price	\$14,500
Reference	Volume 1188, Page 481; Warranty Deed

Prop. Rights Conveyed	Fee Simple
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Land Data:

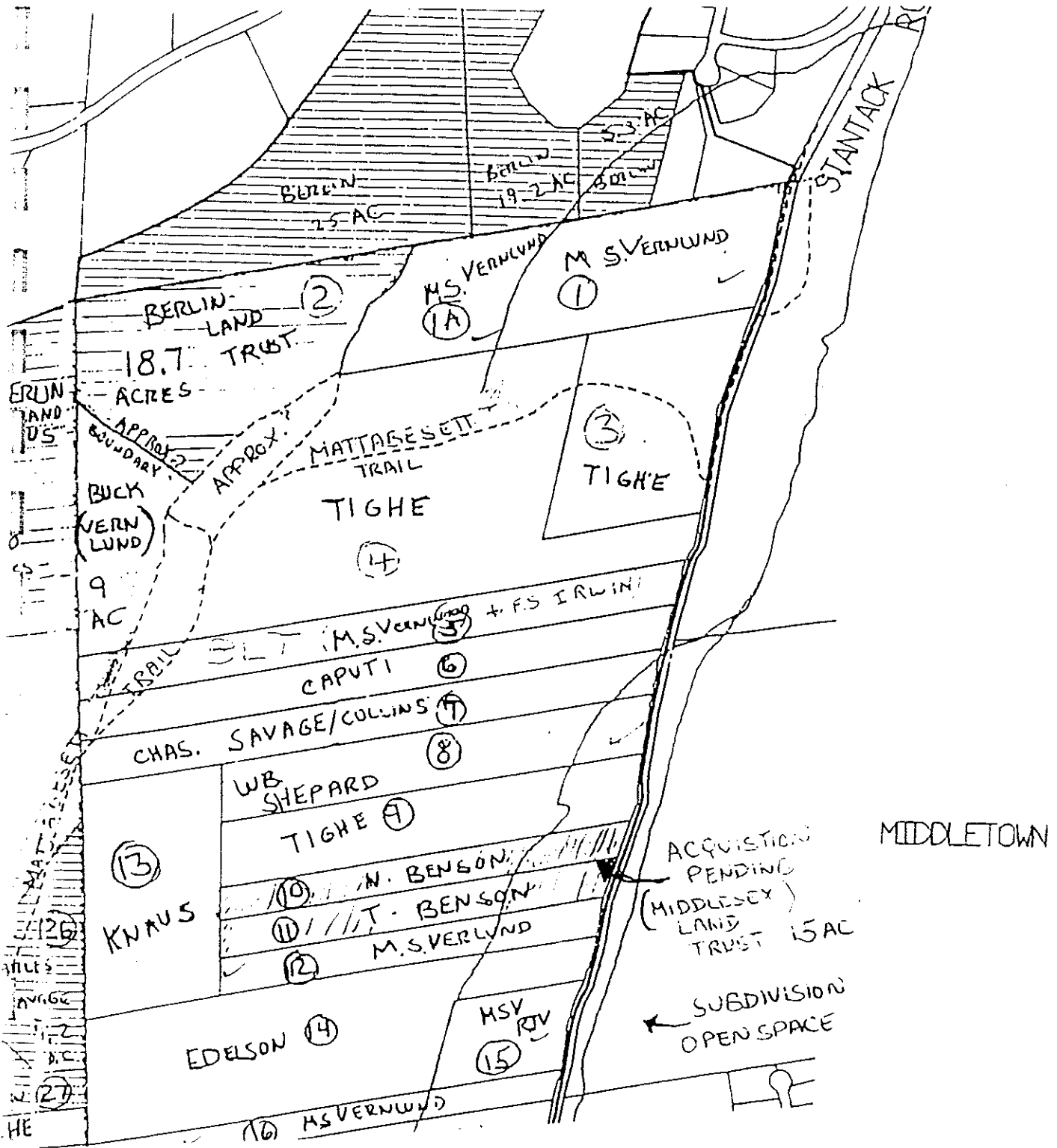
Zone	Residential District (R-60)
Land Area	12± acres (assessor map); 10 acres, more or less per deed
Frontage	200 ± (scaled from map)
Shape	Rectangular
Topography	Rolling topography
Utilities	Water [N], Sewer [N], Gas [N], Elec. [Y*], Phone [Y*]
Neighborhood	Forest, some scattered residential * (available from Footit Drive and/or lower Stantack Road, access to lot is dirt trail)
Other Site Imp.	None
Type development	None, scattered dwellings, forest location
Amenities	None
Map/Block/Lot	Assessor Map 2, Block 9-1, Lot 6

Verification Source	Warranty Deed
Conditions of Sale	Quasi-Arms-length (possible motivated seller)
Marketing Time	7 days (asking \$22,500-subject to probate)
Comments	Grantee pays taxes due on list October 1, 1997 second half and thereafter

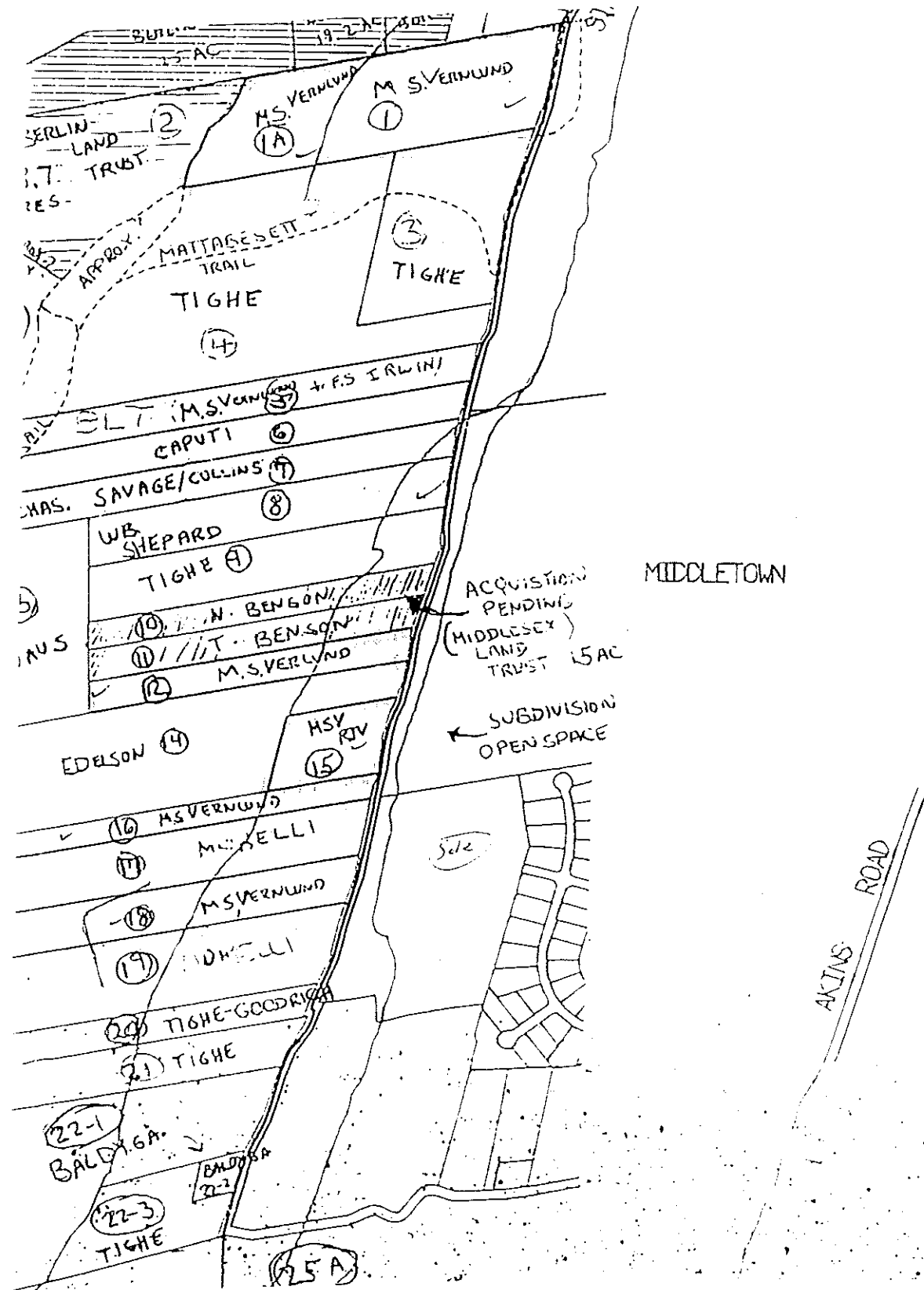
Financing:	None listed
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Sale Price/Acre (assessor map)	\$1,208
Sale Price/Acre (deed)	\$1,450

SKETCH OF MARKET SALE 1



LOCATION MAP SHOWING SALE PROPERTY AND SUBJECT PROPERTY



SALES COMPARISON APPROACH

MARKET SALE 2

Location/Address	Stantack Road Assessor Map 2, Block 5-1, Lot 6A Middletown, CT
Grantor	JDC Realty LLC
Grantee	GL-Meadow LLC
Sale Date	October 29, 1999
Recorded Sale Price	\$150,000
Reference	Volume 1218, Page 260 (Warranty Deed)
Prop. Rights Conveyed	Fee Simple

Land Data:

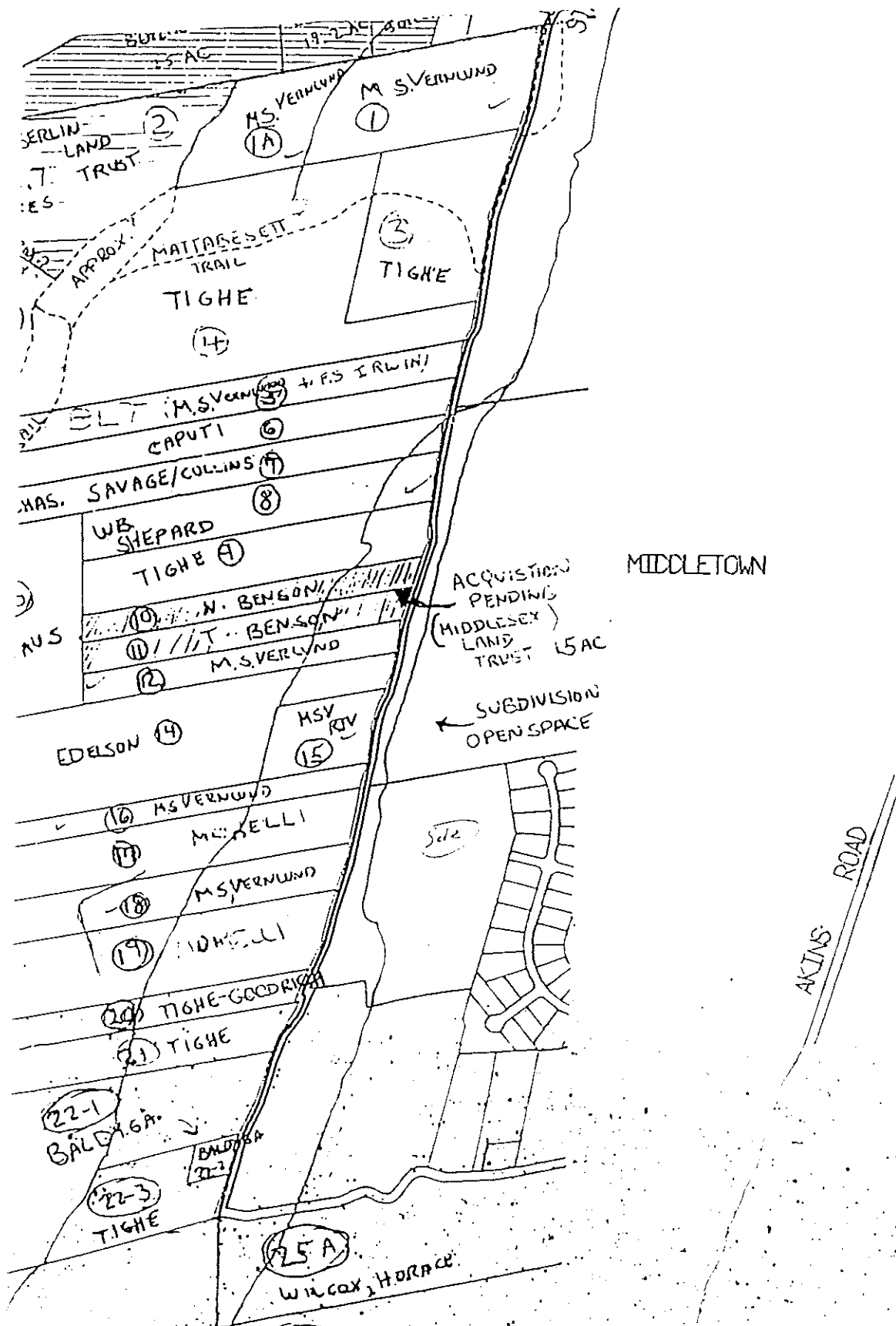
Zone	Residential District (R-15)
Land Area	23.55 acres
Frontage	Access from existing subdivision (50' \pm); frontage on Stantack Road of 1,180.20 feet
Shape	Slightly irregular
Topography	Level to sloping
Utilities	Water [Y], Sewer [N], Gas [Y], Elec. [Y], Phone [Y] *extension of adjacent subdivision
Neighborhood	Residential subdivision, forest and wetlands associated with Stantack Road
Other Site Impr.	None
Type Development	Conventional
Amenities	None
Map/Lot	Map 2, Block 5-1, Lot 6A
Verification Source	The assessors office and warranty deed
Conditions of Sale	Bank sale (motivated seller); below market transaction
Marketing Time	Unknown
Comments	Map 455-3 (town clerk)

Financing: Open End Mortgage Deed, Construction Mortgage, Savings Bank of Manchester provided a \$250,000 mortgage, 200 basis points above bank's base rate; initial rate of 10.25%; due in full October 28, 2001

Sale Price/Acre	\$6,370
Sale Price/Lot	\$10,000*

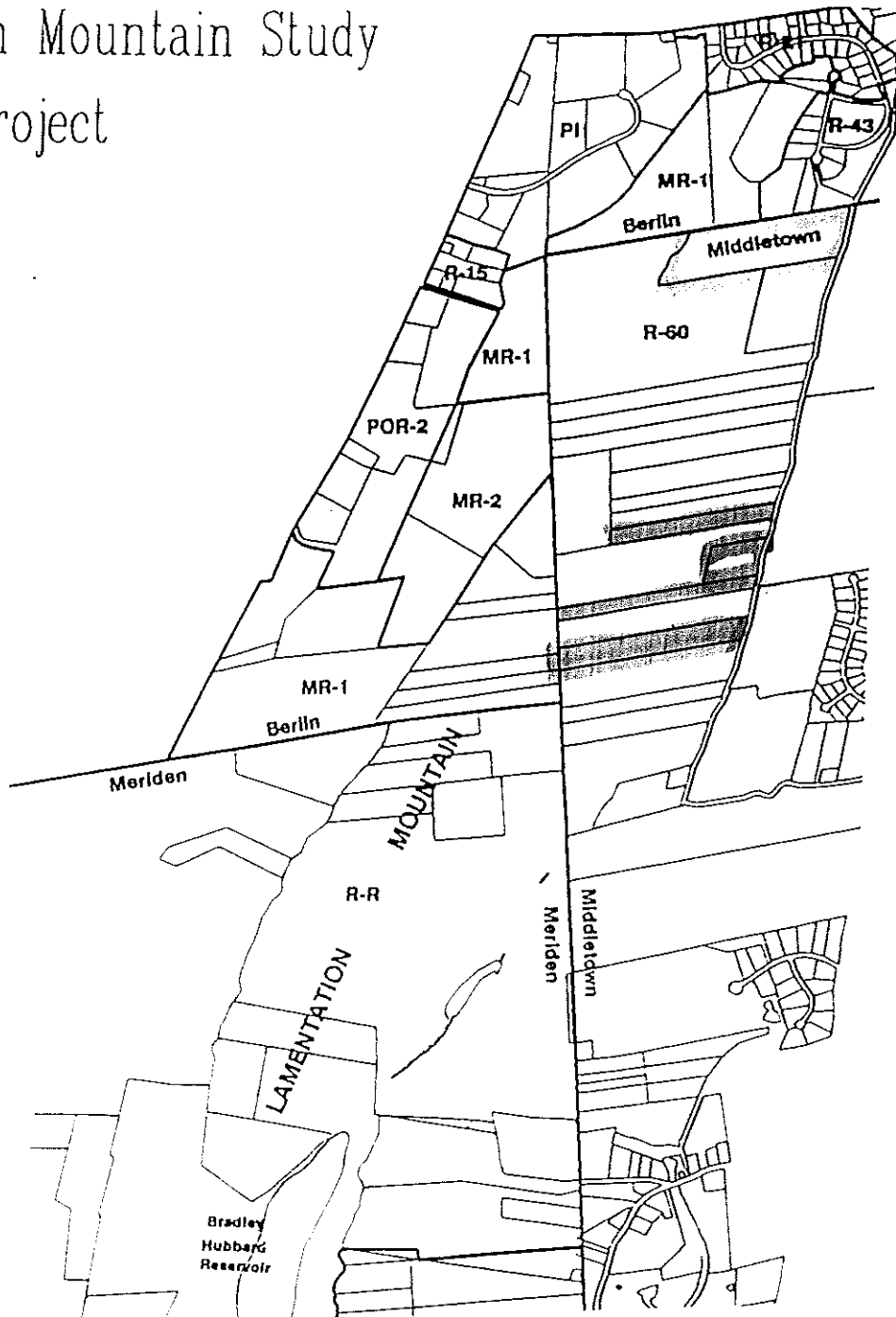
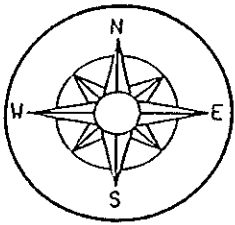
*15 lots indicated by appropriate sources

SKETCH OF MARKET SALE 2



LOCATION MAP SHOWING SALE PROPERTY AND SUBJECT PROPERTY

Lamentation Mountain Study
Tri-Town Project
Zoning



SALES COMPARISON APPROACH

MARKET SALE 3

Location/Address	Rizza Property, Atkins Street & Stantack Road Assessor Map 1, Block 5-1, Lot 2, Middletown, Connecticut
Grantor	Joseph Michael Rizza, (Margaret Jean Rizza Ellsberg & Joan M. Ellison)
Grantee	City of Middletown
Date of Sale	May 4, 2001
Recorded Sale Price	\$350,000
Reference	Volume 1261, Page 575-9; Warranty Deed

Prop. Rights Conveyed Fee Simple

Land Data:

Zone	Residential District (R-60)
Land Area	65 acres
Frontage	1,300± feet on Atkins Street; 1,570 feet on Stantack Road
Shape	Irregular
Topography	Rolling to undulating, level
Utilities	Electricity, telephone.
Neighborhood	Residential and vacant land
Other Site Imp.	None
Type development	Mature neighborhood, new subdivisions and existing dwellings
Amenities	None
Map/Lot	Map #2998 (town clerk)

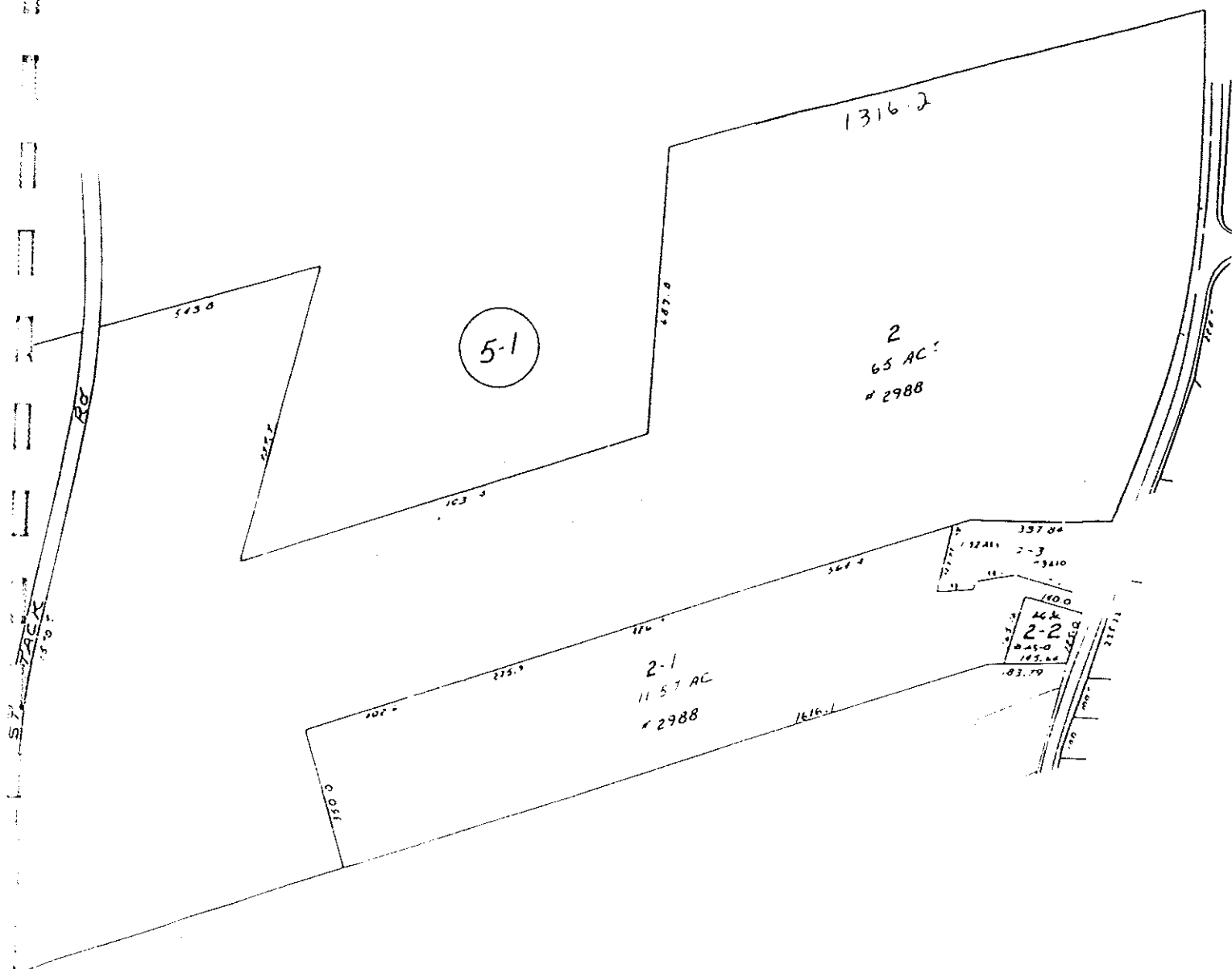
Verification Source	Warranty Deed
Conditions of Sale	None noted
Marketing Time	N/A
Comments	Difficult land to develop due to configuration and large wetlands area

Financing: None recorded

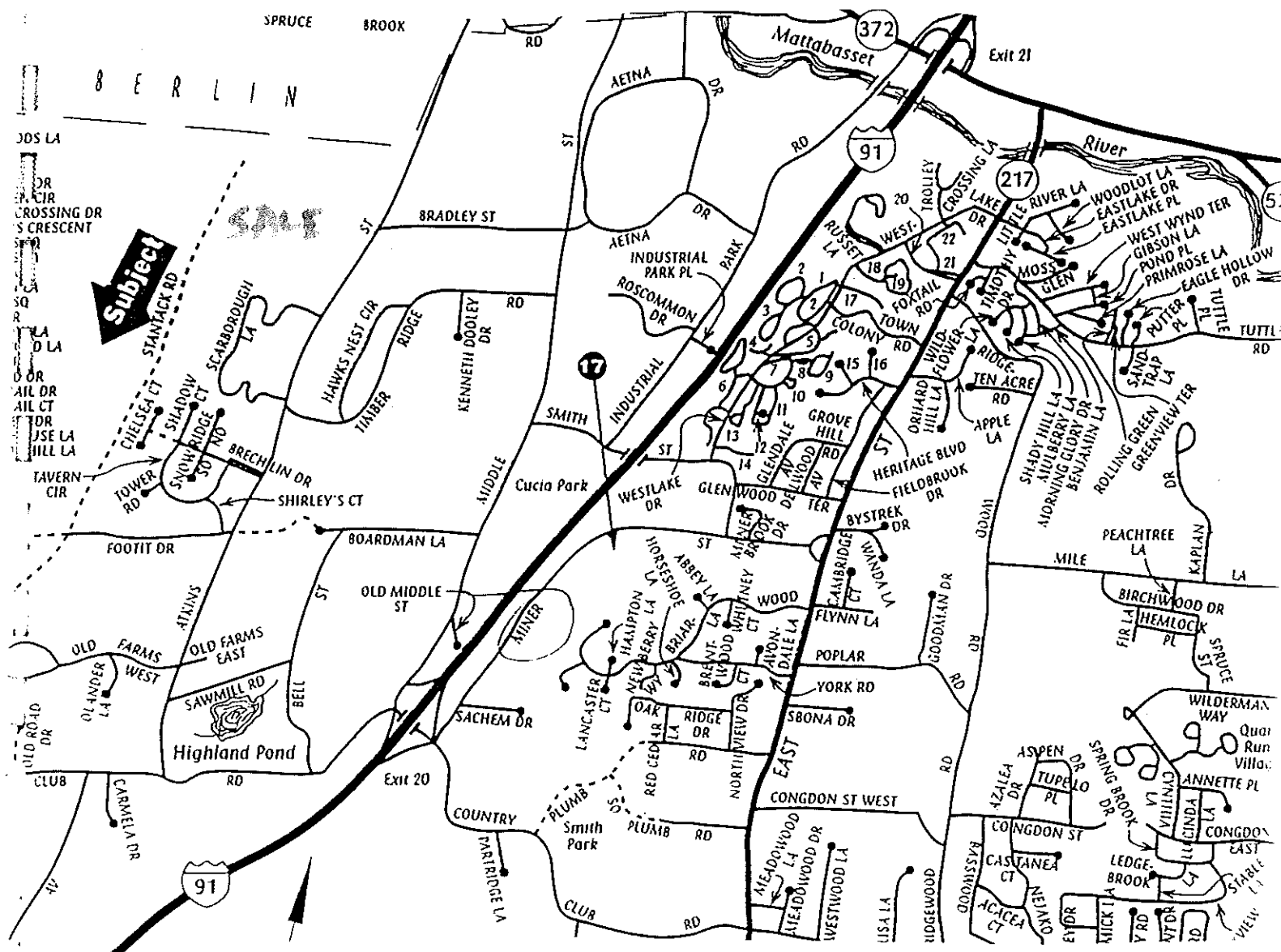
Sale Price /Acre	\$5,385
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Sale Price/Lot	N/A
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SKETCH OF MARKET SALE 3



LOCATION MAP SHOWING SALE PROPERTY AND SUBJECT PROPERTY



Matthew Welinsky & Associates

**SUMMARY CHART OF ADDITIONAL LAND SALES
MIDDLETOWN, CT**

LOCATION	SALE PRICE	SALE DATE	ZONE	VOL/PAGE	COMMENTS
Miner Street Lot 2	\$110,000	04/2000	R60	1229/576	10.48 acres \$10,496/acre
Brooks Road 52/31-6/4 lots	\$82,500	01/2000	R60	1222/887	15.1 acres \$5,454/acre
Coleman Road 40/47-2/20	\$70,000	05/2000	R60	1230/635	18.5 acres \$3,784/acre
Shunpike Road 49/49-1/20-3	\$50,000	04/2000	R60	1230/113	10.29 acres \$4,859/acre
Mount Road Lot 2	\$62,000	05/2001	R60	1261/830	2 ± acres
Bartholomew Rd Lot 1	\$69,900	06/2001	R60	-	2.3 acres
MT. Vernon & Chamberlain	\$145,000	05/2001	R60	1262/26	16.36 acres \$8,863/acre
Atkins Street	\$85,900	08/01	R60	-	1.28 acres
Chamberlain Hill	\$85,000	11/00	R30	-	25.25 acres \$3,366/acre
Atkins Street	\$215,000*	02/01	R60	1252/5515	24.40 acres 11 approved lots
Congdon Street Saddle Ridge	\$327,558	05/01	R15	1253/877	8.03 acres 17 approved lots
Country Club Rd 7/10-5/18D	\$75,000	05/01	R30	1262/363	1.54 acres
180 Cranberry	\$65,000	06/01	R30	1266/246	.78 acres
Arbutus Street Lot 40-2	\$70,000	06/01	R30	1264/919	1.04 acres

* below market transaction, executive style subdivision

The preceding land sales demonstrate a variety of sale prices depending on the specifics of each sale. Acreage sales of land purchased for development typical sell on a per lot basis rather than a per acre basis. Individual lot sales vary due to location, available utilities and general neighborhood environs. The intent of presenting these additional land sales is to analyze them in general terms to project a possible "retail value" of the subject property or a "raw lot value" of the subject property. The retail value could then be reduced by an appropriate road cost factor to predict a value in an "as is" status. The "raw land value" could be utilized to project a possible value in an "as is" condition. It should be noted that the subject property could reasonably be compared to raw land that a developer would purchase with the intention to create a subdivision that includes infrastructure with road. Although this approach to value is subjective in nature and subject to assumptions and conditions, it does offer some insight into this unique valuation issue.

The following page will represent a narrative discussion of the preceding factors and will include a market value range considered reasonably appropriate for the subject. This market value estimate will then be compared to the per acre valuation technique that will follow. A correlation between both valuation techniques will lead to a market value range for the subject property in an "as is" condition (under assumed conditions).

Our conclusion is now presented for your perusal.

SALES COMPARISON APPROACH

The sales data indicates that oversize residential building lots are selling in the \$70,000 to \$85,000+ range (adjusted) depending on specifics of each sale. These properties have the right to build, typically have existing road frontage and typically require well and septic. The lots are generally approved for construction.

The subject is comprised of five (5) lots with several capable of subdividing (in theory) due to their frontage and size. A total of eight (8) lots appears reasonable for discussion purposes. The total acreage contains frontage of approximately 1,875 linear feet. The assumption previous utilized within this appraisal is that Stantack Road would have the potential or probability of being developed, either by the owners themselves or by a developer who acquires the land or a majority of the land.

A discussion with the city planner indicated that if Stantack Road were developed, the specific road characteristics would probably be similar to Footit Drive (crushed stone base, 30' wide). Typical road cost/infrastructure of city approved subdivisions could fall in the \$300-\$350 per linear foot range due to sidewalks, drainage, underground utilities, detention ponds, wetlands considerations, etc. The subject's requirements would probably be 60% of that amount or between \$180 and \$210 per linear foot, depending on specifics. Thus, in simple terms, the subject's pro-rata share of road cost would be in the \$337,500 to \$393,750 range. A rounded amount of \$365,000 or approximately \$45,000 per lot (theory only) would be appropriate. Allowing a 10% entrepreneurial profit for the developer, an adjusted amount of \$50,000 would be appropriate.

Using the mean retail value of \$77,500 per lot and an adjusted cost of \$50,000 for the road cost including profit, the residual amount of \$27,500 represents, in simple terms, the value of the land (per raw lot basis) as is currently exist. Thus, based upon the probability of 8 lots at \$27,500 /lot, a market value estimate of \$220,000 would be realized. This mathematical example has been presented in simplistic terms and does not involve a typical subdivision analysis (Discounted Cash Flow) that includes numerous factors along with hard and soft cost within an appropriate absorption period. There simple are too many variables and unknowns involving this property for a detailed analysis.

It is projected that raw lots are selling in the \$20,000 to \$40,000 range depending on specifics of the land. Factors necessary for analysis include the following: location including immediate neighborhood, available utilities, accessibility, physical characteristics, external influences, etc. The subject is remote however, purchasers are available for this type of land. Many people desire rural remote locations for privacy however, they also desire that services be available. The subject offers this possibility. The major problem relating to the subject is the requirement that a road be built for accessibility. Based upon the available information, it is projected that the subject lots (8 projected) could attract between \$20,000 to \$25,000 each in an "as is" condition. Thus, a market value between \$160,000 to \$200,000 appears reasonable under assumed conditions.

SALES COMPARISON APPROACH
RECAPITULATION OF LAND SALES

Sale No	Location	Sale Date	Sale Price	Land Area (AC)/ Zone	Sale Price/ AC	Sale Price/ Lot
1	Stantack Road Middletown, CT	01/28/99	\$14,500	10-12* R-60	\$1208- \$1,450	N/A
2	Stantack Road Middletown, CT	10/29/99	\$150,000	23.55 R-15	\$6,370	\$10,000
3	Atkins & Stantack Road	05/04/01	\$350,000	65 R-60	\$5,385	N/A
Subject	Vernlund Parcels Stantack Road Middletown, CT	--	--	58.8 5 parcels R-60	--	--

* discrepancy exist

Market sale #1 represents a sale of 10-12 acres of land located on Stantack Road in Middletown, CT. This parcel sold for \$14,500 or between \$1,208 to \$1,450/acre depending on the actual size (discrepancy exist between deed and assessor records). The sale took place in January 1999 and does require a positive adjustment for the time factor. The location is the same as the subject and thus, no locational adjustment is considered necessary. Furthermore, no adjustment for utilities, access, developmental potential, configuration, etc. is necessary due to identical locational characteristics. The sale required probate approval with the sale price approximately 65% of the asking price. It is possible that the seller was motivated. Overall, a positive adjustment is considered necessary for comparison to the subject parcels.

Market sale #2 represents a bank sale of approximately 23.55 acres of residential land approved as 15 building lots. The sale requires a substantial positive adjustment for conditions of sale as the lots were sold below market. A positive time adjustment is also required. The parcel is superior in the developmental potential as access is through an existing subdivision. It also contained 1,180 feet of frontage on Stantack Road with approximately 14.25 acres of the 23.55 acres given to the city of Middletown as open space. Thus, an adjusted acreage sale price of \$16,129 is calculated. The parcel contained superior physical characteristics, utilities and topography with all categories requiring negative adjustments. Overall, a substantial negative adjustment is required.

SALES COMPARISON APPROACH

Market sale #3 represents a 65-acre parcel located on Atkins Street with additional frontage off Stantack Road. The property sold in May 2001 with no time adjustment considered necessary. The locational characteristics are considered superior with a negative adjustment required for comparability. This parcel has superior developmental characteristics along with extensive frontage on Atkins Road, which is an existing approved road. A negative adjustment is necessary for this factor. However, due to a very irregular configuration along with extensive wetlands, this parcel is considered as demonstrating difficult factors from a developmental perspective. Thus, some offsetting adjustment is required. Overall, the sale price of \$5,385 must be adjusted downwards to reflect all pertinent characteristics.

ADJUSTMENTS TO IMPROVED SALE DATA

The preceding sales represent various type of acreage with some similar characteristics as the subject site. All three (3) of the sales were located within the Stantack Road area with the City of Middletown and thus, share similar community characteristics.

The sales selected for analysis are compared to the subject property, and appropriate adjustments for the elements of comparison are considered. Elements of comparison analyzed in this valuation potentially include real property rights conveyed, financing terms, motivation and/or conditions of sale, market conditions, location, physical characteristics including view amenity, developmental status, and use/zoning considerations.

Real Property Rights Conveyed: All the market sales represent the transfer of the fee simple interest, which is similar to the subject. Therefore, no adjustment for properties rights conveyed was warranted.

Financing Terms: No adjustments have been made for financing terms.

SALES COMPARISON APPROACH

Conditions of Sale: Conditions of sale were adjusted within Sale 1 (probate) and Sale 2 (bank sale). It is considered a subjective adjustment however, the motivation factor must be accounted for.

Market Conditions: The sales documented sold subsequent to January 1999 and over this time period market conditions for developmental land (residential) has changed. The Middletown residential marketplace has experienced reasonable demand for housing with price escalation of "building lots" and/or "packaged homes" showing an increase. Typical ranges for colonial style dwellings falling the \$275,000 to \$350,000 with several subdivisions starting in the \$300,000+ range. Therefore, the time adjustment factor must be considered for Sales 1 and Sale 2.

Location: The subject is located on Stantack Road in the northwesterly section of Middletown. The location is considered fair/average with a rural influence and reasonable accessibility to services and the highway system. Sales 1 is considered identical with sales 2 and 3 requiring a negative adjustment due to what is perceived to be superior locations.

Physical Characteristics: Adjustments to the sale properties are considered for numerous physical characteristics that differ in comparison to the subject property including land size, topography, utilities, configuration, frontage, etc. The following page displays appropriate adjustments made in totality for this category.

Developmental status/Zoning: Developmental status was adjusted for within sale #2 as this parcel was approved for 15 building lots.

Summary of Adjustments: The following page contains a recapitulation of adjustments, which provides an indication as to the direction and intensity of adjustment made for the different elements of comparison

Recapitulation of Adjustments

Property Address	Subject	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5
	Vernland Property Stamack Road Middletown, CT	Stamack Road Middletown, CT	Stamack Road Middletown, CT	Albany Road Middletown, CT		
Unadjusted Sale Price/Lot		\$1,208,511,450	\$6,370	\$5,385		
Elements of Comparison						
Property Rights	Fee simple	0	0	0		
Financing Terms	Conventional	0	0	0		
Conditions of Sale	Prudent	Motivated, +	Motivated, +	0		
Market Conditions	October 2001	01-99, +20%	10-99, +15%	05-01		
Sale Price/Lot		\$2,262	\$10,988	\$5,385		
Location	Avg	Identical	Superior-25%	Superior-25%		
Physical Characteristics	Avg	Identical	Superior -20%	S.Sup. -10%		
Developmental Status	Raw/unapproved	Raw	Approved	Raw		
	Trail access	0	-30%	0%		
Sale Price/Acre		\$2,262	\$4,615	\$3,635		
Gross Adjustment		50%	140%	35%		
Net Adjustment		Upward 50%	Downward 10%	Downward 35%		

SALES COMPARISON APPROACH

CONCLUSION

The unadjusted sale price range is \$1,450 to \$6,370 per acre. The adjustment process indicated adjusted prices between \$2,262 to \$4,615/acre (mean of approximately \$3,504/acre) which are subjective in nature, however, they do indicate a reasonable market value range. Using the mean of the range, and the total acreage, a market value estimate of \$206,035 (58.8 acres @ \$3,504/acre) is calculated, rounded to \$200,000.

Based upon the available market information and after giving consideration to all sales, the projected market value range from \$2,500 to \$4,500 per acre (hypothetical) appears appropriate and will vary based upon the specifics associated with each parcel of land. All parcels are similar, however, several parcels demonstrate superior characteristics than others and this must be accounted for. Thus, the following market value estimates (per acre valuation) are noted:

LOT #	AREA (ACRES)	MARKET VALUE
1 & 1A	28.6	\$85,000
12	6.5	\$22,750
15	6.2	\$27,900
16	8.9	\$31,150
18	8.6	\$32,250
TOTAL	58.8 ACRES	\$199,050

The per acre valuation indicates a total market value estimate of \$200,000 for the five (5) individual parcels that comprise a total acreage of 58.8. This acre valuation process will now be compared to our previous summary chart of additional land sales.

The alternative valuation via a "raw lot" analysis and/or the modified "retail value-road cost" technique was utilized to test the reasonableness of the Sales Comparison Approach. These techniques were developed in simple terms and they indicated a range from \$160,000-\$200,000 for the raw lot value to \$220,000 for the retail value approach. Thus, this secondary approach to value supports our previously developed analysis using a per acre valuation.

MARKET VALUE ESTIMATE..... \$200,000

RECONCILIATION AND FINAL VALUE CONCLUSION

<i>Cost Approach:</i>	<i>Not Applicable</i>
<i>Sales Comparison Approach:</i>	<i>\$200,000</i>
<i>Income Approach:</i>	<i>Not Applicable</i>

The market value of the subject property has been estimated via the Sales Comparison Approach which is considered the most appropriate method when one is valuing residential acreage. This approach to value is considered a reliable indicator of value when an adequate amount of appropriate sales information is available and when, specific data of each sale is also available. The market sales selected for analysis were considered pertinent to the valuation issue and provided, both in quantity and quality, market data that was considered a reasonably reliable indicator of value. The appropriate unit of comparison was the sale price per acre.

Typically, if a residential parcel of land is fully approved for developmental purposes (subdivision), a Developmental Subdivision Analysis can also be undertaken. This Development Use Method values a property as an approved subdivision and involves numerous factors and parameters. Due to classification of the subject parcel as "raw unapproved acreage", no Developmental Subdivision Analysis was undertaken as it was not considered appropriate. However, the potential number of possible building lots was projected as appropriate and a modified version of this approach was discussed for supportive purposes.

Conclusion

Therefore, I am of the opinion that the market value of the fee simple interest in the 58.8 acres of land, located on Stantack Road in Middletown, Connecticut, as of September 27, 2001, is:

TWO HUNDRED THOUSAND DOLLARS

(\$200,000) *

* See breakdown within appropriate section of this appraisal report

CERTIFICATION

The undersigned does hereby certify that, except as otherwise noted in this appraisal report:

1. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
2. I will not reveal the findings and results of this appraisal to anyone other than the proper officials of the client until authorized by said officials to do so or until required to do so by due process of the law.
3. That my opinion of the market value is based upon my independent appraisal and the exercise of my professional judgment without collaboration or direction as to said value.
4. To the best of my knowledge and belief, the statements of fact contained in this appraisal report, upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct. No pertinent facts or information have been knowingly overlooked.
5. This appraisal report sets forth the limiting conditions imposed by the terms of my assignment or by the undersigned affecting the analysis, opinions, and conclusions contained in this report.
6. To the best of my knowledge and belief, the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as well as the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
7. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
8. Acknowledgment is made of the contribution of the associate appraiser, if applicable, who assisted in the collection, analysis, preparation and the rendering of judgments in this appraisal report.
9. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
10. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

CERTIFICATION

11. The appraiser has both the knowledge and experience necessary to complete this appraisal assignment competently. Please refer to the Qualifications section for the educational and professional background, areas of expertise, and licensing/certification status of the appraiser.
12. Matthew Welinsky has personally inspected the subject property on September 27, 2001

Standard Form Restriction Upon Disclosure and Use

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute, which allow for review of the report by duly authorized representatives of the Appraisal Institute.

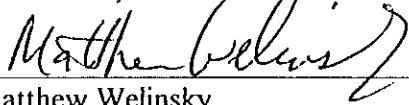
Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the undersigned.

By reason of my investigation and by virtue of my experience, I am of the opinion that the market value of the fee simple interest as of September 27, 2001 is:

TWO HUNDRED THOUSAND DOLLARS
(\$200,000)*

* see breakdown of per parcel value in appropriate section

As of the date of this report, Matthew Welinsky is a Certified General Real Estate Appraiser (#RCG616) within the State of Connecticut.


Matthew Welinsky
M. Welinsky & Associates
RCG#616

ASSUMPTIONS AND LIMITING CONDITIONS

1. No investigation of title to the property has been made, and the premises are assumed to be free and clear of all deeds of trust, use restrictions and reservations, easements, cases or actions pending, tax liens, and bonded indebtedness, unless otherwise specified. No responsibility for legal matters is assumed. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear, unless otherwise specified.
2. A request was made for all pertinent information regarding the subject property for the purpose of this valuation. The request included any and all existing or potential leases; listings, offers to purchase, contracts, or options that may encumber the property; and any other data deemed relevant to this analysis. The valuation contained herein reflects all such information received.
3. The maps, plats, and exhibits included in this report are for illustration only to help the reader visualize the property. They should not be considered as surveys or relied upon for any other purpose. No appraiser responsibility is assumed in connection therewith.
4. This appraiser, by reason of this report, is not required to give testimony or be in attendance in any court or before any governmental body with reference to the property in question unless arrangements have been previously made.
5. No engineering survey has been furnished to the appraiser, and no responsibility is assumed for engineering matters, mechanical or structural. Good mechanical and structural condition is assumed to exist.
6. It is assumed, unless specifically disclosed, that there are no structural defects hidden by floor or wall coverings or any other hidden or unapparent conditions of the property; that all mechanical equipment and appliances are in good working condition; and that all electrical components and the roofing are in good condition. If the client has any questions regarding these items, it is the client's responsibility to order the appropriate inspections. The appraiser does not have the skill or expertise needed to make such inspections. The appraiser assumes no responsibility for these items.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws, unless noncompliance is stated and considered in this report.
8. No soil borings or analysis have been made of the subject. It is assumed that soil conditions are adequate to support standard construction consistent with the highest and best use as stated in this report.
9. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based, unless noncompliance is stated and considered in this report.

ASSUMPTIONS AND LIMITING CONDITIONS

10. The individual values estimated for the various components of the subject property are valid only when taken in the context of this report and are invalid if considered individually or as components in connection with any other appraisal.
11. When the Discounted Cash Flow Analysis is utilized, it is prepared on the basis of information and assumptions stipulated in this report. The achievement of any financial projections will be affected by fluctuating economic conditions and is dependent upon the occurrence of other future events that cannot be assured. Therefore, the actual results achieved may well vary from the projections and such variations may be material.
12. The date of value to which the opinions expressed in this report is set forth in a letter of transmittal. The appraiser assumes no responsibility for economic or physical factors occurring at some later date that may affect the opinions herein stated.
13. If this report is used within a credit sale-leaseback-type transaction, or the offering structure of a syndicate or syndication partnership, joint venture, or association, it is to be noted that the market value estimate rendered is restricted exclusively to the underlying real property rights defined in this report. No consideration whatsoever is given to the value of any partnership units or interest(s), broker or dealer selling commissions, general partners' acquisition fees, operating deficit reserves, offering expenses, atypical financing, and other similar considerations.
14. Our value estimate presumes that all benefits, terms, and conditions have been disclosed in any lease agreements, and we have been fully informed of any additional considerations (i.e., front-end cash payments, additional leasehold improvement contributions, space buybacks, free rent, equity options).
15. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the authors, particularly as to valuation conclusions, the identity of the authors or firm with which they are connected.
16. This appraisal was prepared for the confidential use of the client for the purpose specified and must not be used in any other manner without the written consent of the appraiser. The report and the data herein contained, except that provided by the client, remain the exclusive property of our firm.

QUALIFICATIONS OF MATTHEW WELINSKY

Education:

Central Connecticut State University
Bachelor of Science in Mathematics
Master of Science Degree in Mathematics

University of Connecticut
30 Post Graduate Credits

Real Estate Appraisal Education and Affiliations:

American Institute of Real Estate Appraisers:
Course IA, "Real Estate Principles and Practices"
Course VIII. "Residential Appraisals"
Course II "Case Studies"
Candidate for MAI designation #M85-2013

Society of Real Estate Appraisers:
Course 201, "Principles of Income Property Appraisal"

Federal National Mortgage Association:
FNMA #1184218

Satisfied experience requirements for MAI Designation
(Five years creditable Appraisal and Field Credits)

State of Connecticut - Real Estate Salesman License

Licensed by State of Connecticut - Certified Real Estate
Appraiser, #616

Experience

Actively engage as real estate appraiser for 18 years;
performing appraisal assignments of residential, commercial,
industrial and investment properties.

Service included real estate appraisals for acquisition,
sales, condemnation, estates, financing, foreclosures, etc.;
consultation, land utilization studies and highest and best
use analyses.

Other Professional Achievements

College Instructor of Mathematics
Development of various computer related appraisal programs.
Consultant to the City of Worcester, Massachusetts (Assessor's
Office).
Qualified as an Expert witness before the Appellate Tax Board
of the Commonwealth of Massachusetts.
Qualified as expert witness within the Connecticut Court
System

PARTIAL LIST OF CLIENTS

FEDERAL DEPOSIT INSURANCE CORPORATION

BANK OF BOSTON

SOUTHINGTON SAVINGS BANK

MILO & DENORFIA CONSTRUCTION COMPANY

AMRESKO COMPANY

BRISTOL SAVINGS BANK

RECOLL MANAGEMENT CORPORATION

FLEET BANK

CITY OF WORCESTER, MA - LAW DEPARTMENT

CITY OF WORCESTER, MA - ASSESSOR DEPARTMENT

VARIOUS ATTORNEYS, DEVELOPERS AND CLIENTS

COMMUNITY SAVINGS BANK OF BRISTOL

TOWN OF SOUTHINGTON - LAW DEPARTMENT

CONSERVATION COMMISSION - TOWN OF SOUTHINGTON

BANK OF SOUTHINGTON

HEBERGER & ASSOCIATES

BIONDI & ROSENGRANT

ALDIERI & ASSOCIATES

IZZO & SEGULJIC LLC

NORTHRIDGE DEVELOPMENT COMPANY

CZUPRYNA & ASSOCIATES

LEXINGTON HUNTER ASSOCIATES

SOUTHINGTON WATER DEPARTMENT

ADDENDA

TABLE OF CONTENTS

EXHIBIT A:Engagement Letter /Contract

EXHIBIT B:Legal Description

EXHIBIT C:.....Miscellaneous

EXHIBIT A

MATTHEW WELINSKY

Real Estate Appraisals & Consultation

P.O. BOX #849 • SOUTHTON, CONNECTICUT 06489



APPRAISAL CONTRACT

This service contract is considered a legal binding agreement between M. Welinsky & Associates and MARTHA S. VERNLUND, identified as the Employer.

M. Welinsky & Associates agrees to provide an appraisal report of a property identified as follows:

Property Type: VARIOUS RESIDENTIAL PARCELS

Address : MA - Ownership by M. VERNLUND *

Town : MIDDLETOWN, CT

The report will conform to the Uniform Standards of Professional Appraisal Practice (USPAP) and the standards of the Appraisal Institute.

M. Welinsky & Associates will prepare two (2) copies of the appraisal report approximately 3-5 weeks from the date the contract is signed.

Based upon specific parameters, the fee will be \$ 2500, with the retainer in the amount of \$ 1250 to be delivered with the signed contract. The balance is due upon delivery of the appraisal report.

The following conditions are considered part of this contract:

- 1) Interest at 15% per annum will be charged for any compensation past due with the employer responsible for any legal fees, court cost and collection fees.
- 2) Cancellation by the employer must be by certified mail with the appraiser's daily rate of \$400 the responsibility of the said employer.

Matthew Welinsky
Matthew Welinsky & Associates

August 23, 2001
Date Signed

Martha S. Vernlund
Employer

August 30, 2001
Date Signed

* under consideration by town of Middletown for purchase under open space program

EXHIBIT B

In all People to whom these Presents shall come, Greetings:

KNOW YE, THAT WE, FREDERICK SHORROCK and JOHN CARROLL, of the County of Middlesex, State of New York, for and in behalf of the SAVAGE, of Eastford, Connecticut,

For the consideration of FIFTY THOUSAND (\$50,000.00) GOLD DOLLARS

Received by our full possession of MARTIN S. WILSON, JR.

do give, grant, bargain, sell and confirm unto the said MARTHA S. FERNBUND her heirs and assigns forever, a certain piece or parcel of land situated partly in the town of Kinderhook, Connecticut and partly in the town of Berlin, Connecticut, more particularly described on Schedule attached hereto and made a part hereof.

3 Jan 60 Foreign Office File received

Town Clerk of "Wichita"

Poor Original

SCHEDULE A

to Warranty Deed

From John T. Savage and Helen L. Shorrock

to Martha S. Vernlund

Dated: October 4, 1985

Two certain pieces or parcels of land as shown on a certain map or plan entitled "Bounard Survey Property of JOHN T. SAVAGE AND HELEN L. SHORROCK Stantack Road Berlin & Middletown, Connecticut Hewitt Engineering, P.C. Consulting Engineers Berlin, Conn. Date Dec. 22, 1983, Scale 1" = 100', which map is on file or is to be filed in the offices of the Town Clerks of said Towns of Berlin and Middletown, to which map reference may be had for a more particular description and location of said premises, bounded and described as follows:

FIRST PIECE: A certain piece or parcel of land, shown and designated as "AREA = 8.93 ACRES", on the above-referred to map, situated in the Town of Middletown, County of Middlesex and State of Connecticut, bounded and described as follows:

Beginning at a point in the westerly line of Stantack Road, which point is the northeasterly corner of the herein described premises and the southeasterly corner of land now or formerly of Martha S. and Robert T. Vernlund as shown on said map; thence proceeding S 22-53-41 W a distance of 195.54 feet along Stantack Road to a point; thence proceeding N 89-19-28 W a distance of 2,120.64 feet along land now or formerly of William T. Shea, et al, to a point in the Middletown Berlin Town Line; thence proceeding N 06-21-49 E a distance of 181.91 feet along said town line (the adjoining land on the west being the second piece described herein) to a point; thence proceeding S 89-19-28 E a distance of 2,176.55 feet along land now or formerly of Bessie Edelson and Land now or formerly of Martha S. and Robert T. Vernlund, in part by each, to the point or place of beginning.

Being the same premises acquired by John T. Savage and Helen L. Shorrock by certificate of devise from the Estate of Ruth Savage Eaton, dated May 19, 1966 and recorded in Volume 347, page 366 of the Middletown Land Records. Reference is also made to a certificate of devise from the Estate of Theodora M. Savage to Ruth S. Savage, dated December 1, 1953 and recorded in Volume 229, page 422 of the Middletown Land Records.

SECOND PIECE: A certain piece or parcel of land, shown and designated as "AREA = 14.64 ACRES", on the above referred to map, situated in the Town of Berlin, County of Hartford and State of Connecticut, bounded and described as follows:

Beginning at a point in the Berlin-Middletown Town line, which point is marked by an iron pin, and which point is also the northeast corner of the herein described premises and the northwest corner of the herein described first piece; thence proceeding S 06-21-49 W a distance of 181.91 feet along the first piece above described to a point; thence proceeding S 06-21-49 W a distance of 142.76 feet along land now or formerly of William T. Shea, et al, to a point; thence proceeding S 08-51-48 W a distance of 205.56 feet along land now or formerly of William T. Shea, et al, and land now or formerly of Martha S. Vernlund, in part by each, to a point, the last three courses following the Berlin-Middletown Town Line; thence proceeding N 87-56-10 W a distance of 159.88 feet along land now or formerly of the Town of Berlin to a point; thence proceeding N 83-02-22 W a distance of 1,182.36 feet along land now or formerly of the Town of Berlin to a point; thence proceeding the following Courses and distances along land now or formerly of Olga Lechowicz, being the crest of Lamentation Mountain, so-called: N 48-15-08 W, 34.90 feet to a point; N 36-11-31 E, 110.04 feet to a point; S 49-10-23 E, 36.92 feet to a point; N 61-37-23 E, 61.32 feet to a point; N 43-04-40 E, 82.00 feet to a point; N 45-57-31 W, 87.92 feet to a point; N 61-23-41 E,

RIDER A

A certain three pieces or parcels of land, with the buildings thereon, situated in the Town of Middletown, County of Middlesex and State of Connecticut, on the westerly side of Stantack Road, and more particularly bounded and described as follows:

FIRST PIECE bounded:

Northerly by land now or formerly belonging to Willis Savage;
 Easterly by Stantack Road;
 Southerly by land now or formerly belonging to Elizabeth T. Webster; and
 Westerly by land now or formerly belonging to Harold E. Woods.
 Said First Piece contains ten and eight-tenths (10.8) acres of land, more or less.

SECOND PIECE bounded:

Northerly by land now or formerly belonging to Bessie Edelson;
 Easterly by Stantack Road;
 Southerly by land now or formerly belonging to Ruth S. Savage; and
 Westerly by land now or formerly belonging to Bessie Edelson.
 Said Second Piece contains six and two-tenths (6.2) acres of land, more or less.

THIRD PIECE bounded:

Northerly by land now or formerly belonging to Erwin W. Brechlin;
 Easterly by Stantack Road;
 Southerly by land now or formerly belonging to Erwin W. Brechlin; and
 Westerly by the line dividing the Towns of Middletown and Berlin.
 Said Third Piece contains eight and six-tenths (8.6) acres of land, more or less.

Each of the said three pieces is a portion of the premises conveyed from Mary Rizza to Joe Rizza by Warranty Deed dated November 21, 1923 and recorded in Volume 168 at page 472 of the Middletown Land Records. An undivided one-half interest in said premises was conveyed from Joe Rizza to Mary Rizza by Quitclaim Deed dated May 23, 1925 and recorded in Volume 171 at page 604 of the Middletown Land Records.

Mary Rizza died intestate in Middletown on October 4, 1933. Their interest as heirs-at-law of Mary Rizza in an undivided one-half interest in said premises was conveyed from Anna Cianci, Michael Rizza, Margaret Vasques, Jennie Rizza, Paul Rizza, Samuel Rizza, Ernest Rizza and Salvatore Rizza to Joseph Rizza by Quitclaim Deed dated February 16, 1939, and recorded in Volume 198 at page 192 of the Middletown Land Records.

Being the same premises conveyed to the Grantor herein by Warranty Deed of PAUL RIZZA, Executor of the Estate of Joseph Rizza, dated January 8, 1964 and filed in the Land Records of Middletown, Vol. 335, Page 369.

Rec'd for Record

DEC 14 1998

at 10:30 A.M.

Recorded by

Town Clerk

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That I, FRANCES S. IRWIN, of Detroit, Michigan (hereinafter called the "Releasor"), for divers good causes and considerations hereunto moving, especially for One Dollar (\$1.00) and other valuable considerations, but less than One Hundred Dollars (\$100), received to my full satisfaction of MARTHA S. VERNLUND of West Hartford, Connecticut (hereinafter called the "Releasee"), have remised, released and forever QUIT-CLAIMED, and do by these presents, for myself and my heirs, justly and absolutely remise, release and forever QUIT-CLAIM unto the said Releasee and her respective heirs and assigns forever, all such right, title and interest as I, the said Releasor, have or ought to have in or to a certain piece or parcel of land situated to the west of Stantack Road in the Town of Middletown, County of Middlesex and State of Connecticut, and bounded and described as follows:

NORTHERLY: By land now or formerly of Jarvis;
 EASTERLY: By Stantack Road;
 SOUTHERLY: By land now or formerly of Jacobs and land now or formerly of the Town of Berlin, partly by each;
 WESTERLY: By land now or formerly of C. J. Mueller.

TO HAVE AND TO HOLD the premises unto her, the said Releasee, and her heirs and assigns forever, so that neither I, the said Releasor, nor any other person or persons in my name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

IN WITNESS WHEREOF, I have hereunto set my hand and seal,

"No Conveyance Tax collected

Anthony J. Dina

Town of Middletown

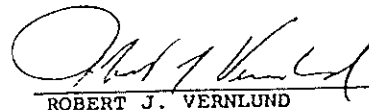
QUIT-CLAIM DEED

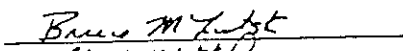

KNOW ALL MEN BY THESE PRESENTS, That I, Robert J. Vernlund of West Hartford, Connecticut (hereinafter called the "Releasor"), for divers good causes and considerations hereunto moving, especially for One Dollar (\$1.00) and other valuable considerations, but less than One Hundred Dollars (\$100), received to my full satisfaction of MARTHA S. VERNLUND of West Hartford, Connecticut (hereinafter called the "Releasee") have remised, released and forever QUIT-CLAIMED, and do by these presents, for myself and my heirs, justly and absolutely remise, release and forever QUIT-CLAIM unto the said Releasee and her respective heirs and assigns forever, all such right and title as I, the said Releasor, have or ought to have in or to an undivided one-half (1/2) interest in a certain piece or parcel of land, with the buildings thereon, situated in the State of Connecticut, on the westerly side of Stantack Road, in the Town of Middletown, County of Middlesex, and more particularly described on Schedule A attached hereto and made part hereof.

TO HAVE AND TO HOLD the premises unto her, the said Releasee, and her heirs and assigns forever, so that neither I, the said Releasor, nor any other person or persons in my name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part hereof, but they and every one of them shall by these presents be excluded and forever barred.

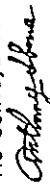
IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 11th day of May, A.D. 1979.

Signed, sealed and delivered in the presence of:


ROBERT J. VERNLUND


BRUCE M. LUTZ

CANDACE L. MINNICK

"No Conveyance Tax collected"


Anthony J. Bona

Town Clerk of Middletown

SCHEDULE A

NORTHERLY: By land now or formerly belonging to Erwin W. Brechlin;

EASTERLY: By Stantack Road;

SOUTHERLY: By land now or formerly belonging to Erwin W. Brechlin; and

WESTERLY: By the line dividing the Towns of Middletown and Berlin.

Containing eight and six-tenths (8.6) acres of land, more or less.

Being a portion of the premises conveyed to Robert J. Vernlund and Martha S. Vernlund by deed of Paul Rizza dated January 8, 1964, and recorded in Volume 335, Page 369 of the Middletown Land Records.

Rec'd. for Record July 10, 1979 11:11 A.M.
Recorded by Patricia A. Lina
Town Clerk

KNOW ALL MEN BY THESE PRESENTS, That the FARMERS AND MECHANICS SAVINGS BANK, a corporation located and doing business in the Town of Middletown, County of Middlesex, and State of Connecticut, for the consideration of ONE DOLLAR and other valuable considerations does hereby release and discharge a certain mortgage given it by

- - - - - DONALD J. HOWLEY and MARY A. HOWLEY - - - - -

dated February 8, 1960

and recorded in the records of the town of Middletown

county of Middlesex, and State of Connecticut, in book 305

Page 220

the debt secured by said mortgage having been fully paid.

IN WITNESS WHEREOF said FARMERS AND MECHANICS SAVINGS BANK has hereunto set its hand and seal by its Assistant Treasurer & he being duly authorized, this 9th day of

July, A. D. 1979

Signed, sealed and delivered in presence of

Margaret C. Branciforte
Margaret C. Branciforte

Gertrude E. Barr
Gertrude E. Barr

STATE OF CONNECTICUT,
COUNTY OF MIDDLESEX,

FARMERS AND MECHANICS SAVINGS BANK,

by Jeanette H. Gallitto
Jeanette H. Gallitto
Assistant Treasurer

Middletown, July 9, A. D. 1979

Personally appeared Jeanette H. Gallitto, Assistant Treasurer of the FARMERS AND MECHANICS SAVINGS BANK and signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, and also the free act and deed of the said FARMERS AND MECHANICS SAVINGS BANK, before me

Rec'd. for Record July 9, 1979 11:10 A.M.
Recorded by Patricia A. Lina
Town Clerk

Margaret C. Branciforte Notary Public
My Commission Expires 3/31/79

Richard 2/27/85

To all People to whom these Presents shall come, Greeting:

KNOW YE, THAT WE, PHILIP G. LUND of Orleans, Massachusetts and
WALTER S. LUND of the Town of Berlin, County of Hartford and State
of Connecticut

for the consideration of TEN (\$10.00) DOLLARS and other good and valuable
considerations

received to our full satisfaction of MARTHA S. VERNLUND of the Town of
Middletown, County of Middlesex and State of Connecticut

do give, grant, bargain, sell and confirm unto the said MARTHA S. VERNLUND
a certain piece of land, situated on Lamentation Mountain, so called,
in the Town of Middletown, County of Middlesex, and in said State of
Connecticut, containing four (4) acres, three (3) rods and twenty (20)
rods, more or less, bounded:

NORTHERLY: by land formerly of Nathan Boardman;
EASTERLY: by Stantack Road, so called;
SOUTHERLY: by land formerly of Uri Boardman, deceased; and
WESTERLY: by land formerly of Allen Beckley; or as however
otherwise bounded and described as of record appears.

"\$ 13.20 Conveyance Tax received

Anthony Lima

Town Clerk of Middletown"

2000 LIST

MIDDLETOWN CT PROPERTY DESCRIPTION CARD

STANTACK RD	ACCOUNT NUMBER: R12157	NAP/BLOCK/LOT # 1 9-1 1A	CLASS: R	STATE CLASS: 130	CARD #: 0 OF 1			
CURRENT OWNER/ADDRESS VERNLUND MARTHA S 1087 ATKINS ST MIDDLETOWN CT 06457								
ZONING: R-60								
ROUTING # 01/								
DISTRICT: 3								
LIVING UNITS: 0								
CENSUS TRACT: 5414								
DEED VOLUME: 892								
DEED PAGE: 162								
DEED DATE: 19890315								
DEED TYPE:								
OWNER HISTORY:								
DEED VOL/PG:								
ASSESSMENT INFORMATION -								
Effective Date of Value: 10/01/98								
Cost Estimate - 2,400								
Market Estimate - 0								
MRA Estimate - 0								
Weighted Estimate - 0								
Override Reason - UPDATE								
Total Value: 2,400								
Assessment: 1,680								
PRIOR ASSESS: 1,680								
NOTE:								
NOTE:								
SALES DATA:								
Date	Type	Price	Date Permit #	Amount	Purpose			
0		0	0	0				
0		0	0	0				
0		0	0	0				
*DWELLING PRICE:								
Base Price								
Additions								
Unfin. Area								
Basement								
Attic								
Plumbing								
Heat/AC Adj.								
FBLA								
Rec Rm								
Fireplace								
Bsmt. Gar.								
Trim								
SUBTOTAL								
Grade Factor								
TOTAL RCN								
% Good								
Market Adj.								
TOTAL RCNLD								
\$0								
OUTBUILDING DATA								
Type	Qty	Yr	Size1	Size2	Grd	Cond	Value	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
Outbuilding Total							0	
INFLUENCE FACTORS (%)						LAND VALUE	Area	Pts
Lower Level						First Floor	Second Floor	Third Floor
TOTAL LAND VALUE: 16.100						2,400		
TOTAL ACRES: 16.100								
PERMIT DATA:								
Date	Type	Price	Date Permit #	Amount	Purpose			
0		0	0	0				
0		0	0	0				
0		0	0	0				
*DWELLING PRICE:								
Base Price								
Additions								
Unfin. Area								
Basement								
Attic								
Plumbing								
Heat/AC Adj.								
FBLA								
Rec Rm								
Fireplace								
Bsmt. Gar.								
Trim								
SUBTOTAL								
Grade Factor								
TOTAL RCN								
% Good								
Market Adj.								
TOTAL RCNLD								
\$0								
OUTBUILDING DATA								
Type	Qty	Yr	Size1	Size2	Grd	Cond	Value	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
0	0	0	0	0	0	0	\$0	
Outbuilding Total							0	

MIDDLETOWN CT PROPERTY DESCRIPTION CARD

STANTACK RD ACCOUNT NUMBER: R12166 MAP/BLOCK/LOT # 2 9-1 15 CLASS: R STATE CLASS: 130 CARD #: 1 OF 1

CURRENT OWNER/ADDRESS ZONING: R-60 ROUTING # 02/013 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5414

VERNLUND ROBERT T & MARTHA S

OWNER HISTORY:

1087 ATKINS ST CT 06457

DEED VOLUME: 1183

DEED PAGE: 744

DEED DATE: 19981214

DEED TYPE:

VAC OR OBY

NOTE:

NOTE:

SALES DATA:

Date Type Price

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Effective Date of Value: 10/01/98

Cost Estimate - 740

Market Estimate - 0

MRA Estimate - 0

Weighted Estimate - 0

Override Reason - UPDATE

Total Value: 740

Assessment: 520

PRIOR ASSESS: 520

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INFLUENCE FACTORS (%) LAND VALUE

FOREST 6-200 0 740

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LAND DATA:

TYPE SIZE

FOREST 6-200

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PERMIT DATA:

Date Permit # Amount Purpose

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MIDDLETOWN CT PROPERTY DESCRIPTION CARD

STANTACK RD	ACCOUNT NUMBER: R12158	MAP/BLOCK/LOT # 2 9-1 18	CLASS: R	STATE CLASS: 130	CARD #: 1 OF 1
-------------	------------------------	--------------------------	----------	------------------	----------------

CURRENT OWNER/ADDRESS
 ZONING: R-60
 ROUTING # 02/010
 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5414
 VERONICA MARTINEZ

OWNER HISTORY:
VERNLUND MARTHA S
1087 ATKINS ST
DEED VOL/PG:
- ASSESSMENT INFORMATION -
CERDUS TRACT, 3414

DEED VOLUME: 548
DEED PAGE: 36
DEED DATE: 19790710
DEED TYPE: 0

LAND DATA:

CT 06457

MIDDLETOWN

Effective Date of Value: 10/01/98

Cost Estimate - 1,030
Market Estimate -
MRA Estimate - 0
Unimproved Estimate - 0

TYPE	SIZE	INFLUENCE FACTORS	(%)	LAND VALUE	Override Reason - UPDATE
FOREST	8.600		0	1,030	Total Value: 1,030
	0.000		0	0	Assessment: 720
	0.000		0	0	

NOTE:

[illegible]

SALES DATA: 1,030
PERMIT DATA:
ADDITION DATA:

Date	Type	Price	Date Permit #	Purpose	Lower Level	First Floor	Second Floor	Third Floor	Area	Pts
0000			00		A				00	00
0000			00		B				00	00

*DWELLING DATA:		*DWELLING PRICE:	
Style:			
Walls:			
Story Ht.	0.0	Base Price	0

Total Rooms:	0	Bedrooms:	0	Additions	0
Basement:				Unfin. Area	0
Attic:				Basement	0
Full Bath:				Attic	0

Baths:					
Half Baths:	0				
Add'l Fixtures	0	Total Fixtures:	0	Plumbing	0
Heating System:	NONE			Heat/AC Adj.	0
Type:	NONE			FBLA	0
Fin. Bsmt. Living Area:			0	Rec Rm	0
Basement Rec Room Area:			0	Fireplace	0
Total Fireplace:			0	Bsmt. Gar.	0
Basement Garage (# Cars)			0		0

TOTAL LIVING AREA:	0	0	0
Quality Grade:			
Year Built:	0	CDU	
CONDITION:			
			Trim
			SUBTOTAL
			Grade Factor
			TOTAL RCN
			% Good
			Market Adj.
			0
			0
			0
			0.00
			\$0
			0.00
			0

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	REMARKS
10/1/78	DEPOSIT	100.00		CHASE	
10/2/78	PAYROLL	50.00	101	CHASE	
10/3/78	RENT	25.00	102	CHASE	
10/4/78	UTILITIES	15.00	103	CHASE	
10/5/78	FOOD	10.00	104	CHASE	
10/6/78	TRANSPORT	20.00	105	CHASE	
10/7/78	ENTERTAINMENT	12.00	106	CHASE	
10/8/78	SALES	30.00	107	CHASE	
10/9/78	INVENTORY	18.00	108	CHASE	
10/10/78	RECEIPTS	22.00	109	CHASE	
10/11/78	EXPENSES	14.00	110	CHASE	
10/12/78	SALES	28.00	111	CHASE	
10/13/78	INVENTORY	16.00	112	CHASE	
10/14/78	RECEIPTS	24.00	113	CHASE	
10/15/78	EXPENSES	11.00	114	CHASE	
10/16/78	SALES	32.00	115	CHASE	
10/17/78	INVENTORY	19.00	116	CHASE	
10/18/78	RECEIPTS	26.00	117	CHASE	
10/19/78	EXPENSES	13.00	118	CHASE	
10/20/78	SALES	34.00	119	CHASE	
10/21/78	INVENTORY	21.00	120	CHASE	
10/22/78	RECEIPTS	28.00	121	CHASE	
10/23/78	EXPENSES	15.00	122	CHASE	
10/24/78	SALES	36.00	123	CHASE	
10/25/78	INVENTORY	23.00	124	CHASE	
10/26/78	RECEIPTS	30.00	125	CHASE	
10/27/78	EXPENSES	17.00	126	CHASE	
10/28/78	SALES	38.00	127	CHASE	
10/29/78	INVENTORY	25.00	128	CHASE	
10/30/78	RECEIPTS	32.00	129	CHASE	
10/31/78	EXPENSES	19.00	130	CHASE	
11/1/78	SALES	40.00	131	CHASE	
11/2/78	INVENTORY	27.00	132	CHASE	
11/3/78	RECEIPTS	34.00	133	CHASE	
11/4/78	EXPENSES	21.00	134	CHASE	
11/5/78	SALES	42.00	135	CHASE	
11/6/78	INVENTORY	29.00	136	CHASE	
11/7/78	RECEIPTS	36.00	137	CHASE	
11/8/78	EXPENSES	23.00	138	CHASE	
11/9/78	SALES	44.00	139	CHASE	
11/10/78	INVENTORY	31.00	140	CHASE	
11/11/78	RECEIPTS	38.00	141	CHASE	
11/12/78	EXPENSES	25.00	142	CHASE	
11/13/78	SALES	46.00	143	CHASE	
11/14/78	INVENTORY	33.00	144	CHASE	
11/15/78	RECEIPTS	40.00	145	CHASE	
11/16/78	EXPENSES	27.00	146	CHASE	
11/17/78	SALES	48.00	147	CHASE	
11/18/78	INVENTORY	35.00	148	CHASE	
11/19/78	RECEIPTS	42.00	149	CHASE	
11/20/78	EXPENSES	29.00	150	CHASE	
11/21/78	SALES	50.00	151	CHASE	
11/22/78	INVENTORY	37.00	152	CHASE	
11/23/78	RECEIPTS	44.00	153	CHASE	
11/24/78	EXPENSES	31.00	154	CHASE	
11/25/78	SALES	52.00	155	CHASE	
11/26/78	INVENTORY	39.00	156	CHASE	
11/27/78	RECEIPTS	46.00	157	CHASE	
11/28/78	EXPENSES	33.00	158	CHASE	
11/29/78	SALES	54.00	159	CHASE	
11/30/78	INVENTORY	41.00	160	CHASE	
11/31/78	RECEIPTS	48.00	161	CHASE	
12/1/78	EXPENSES	35.00	162	CHASE	
12/2/78	SALES	56.00	163	CHASE	
12/3/78	INVENTORY	43.00	164	CHASE	
12/4/78	RECEIPTS	50.00	165		

[illegible]

EXHIBIT C
REAL ESTATE LICENSE
TOPOGRAPHY MAPS & OTHERS



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

165 CAPITOL AVE • HARTFORD CT 06106-1630

Be it known that

MATTHEW WELINSKY

118 MICHAEL DR
SOUTHINGTON, CT 06489

Is designated by the Department of Consumer Protection as a
CERTIFIED GENERAL REAL ESTATE APPRAISER

License Number: RCG.616

Effective Date: 05/01/2001
Expiration Date: 04/30/2002


James T. Fleming, Commissioner

MEMORANDUM

TO: City of Middletown
Mayor Dominique S. Thornton
Debra Moore, Administrative Aid to the Mayor

FROM: Arnold Shimelman, Esq.
Catherine Intravia, Esq.
Shipman & Goodwin, LLP

DATE: November 29, 1999

RE: City of Middletown
Lamentation Mountain and Mount Higby Unimproved Roads

I. ISSUE:

Whether seven unimproved roads located on Lamentation Mountain and Mount Higby in the western portion of the city of Middletown are public highways.

II. BRIEF ANSWER:

The facts support the conclusion that the seven referenced roads on Lamentation Mountain and Mount Higby are not municipal public highways. As such, the city does not have responsibility for their maintenance or improvement.

III. BRIEF FACTS:

Debra Moore, Administrative Aide to Middletown Mayor Dominique S. Thornton, requested that Shipman & Goodwin LLP determine whether a group of old roads on Lamentation Mountain and on Mount Higby are municipal public highways. Specifically, various citizens have referred to the roads by the following names:

- 1) on Lamentation Mountain - Stantack Road (north from the last residence to the Berlin town line), Middle Road, Lower Road, Topper Road, Old Lamentation Mountain Road
- 2) Mount Higby - Massa Tom Road (also known as Massatom Road, Middle Street and Middle Street South) and an unnamed road network.

Ms. Moore's request is in response to Mr. Lawrence Buck's numerous appearances before the Common Council requesting, inter alia, that the city make improvements to the above referenced roads.

Shipman & Goodwin LLP caused to be conducted an extensive search of the Land Records of the city for recorded public records regarding the roads in question, interviewed town officials, reviewed public records in various administrative city departments, and conducted a visual examination of the Lamentation Mountain area. The city's public records and conversations with municipal employees disclosed limited factual information or data on the roads in question. Many, if not most, of the issues that pertain to and govern the legal status of roads are questions of fact. Therefore, Shipman & Goodwin LLP will employ the considerable body of highway law regarding dedication and acceptance and their applicability to the facts ascertained to determine if the roads in question are private ways or public highways.

IV. LEGAL DISCUSSION:

A. Introduction

In order to make a determination as to whether a road is a public highway, it is necessary to lay out the law under which such a determination must be made. An

examination of the legal issues that pertain to roads begins with distinguishing between public roads and private roads. Specifically, a road may exist as a private road -- either because it was never made public through dedication and acceptance or because it is no longer public, having been abandoned or discontinued.

In the Connecticut General Statutes ('CGS'), the term highway includes roads. CGS § 14-1(34) states that a highway is defined as "includ[ing] any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, dedicated, appropriated or opened to public travel or other use." Further, CGS § 13a-1(a) states that a highway is defined as "includ[ing] streets and roads."

B. Principles of Dedication and Acceptance

"From early times, under the common law, highways have been established in this state by dedication and acceptance by the public." Ventres v. Town of Farmington, 192 Conn. 663, 666 (1984) citing Wamphassuc Pt. Prop. Owners Ass'n v. Public Utilities Commission, 154 Conn. 674, 680 (1967).

A dedication is an appropriation of land to some public use, made by the owner of the property. See Whippoorwill Crest Co. v. Stratford, 145 Conn. 268, 271 (1958).

Two elements are essential to an effective dedication and acceptance: (1) manifest intent by the owner to dedicate the land involved for the use of the public, and (2) an acceptance by the proper authorities or by the general public. See id. ; see also DiCioccio v. Wethersfield, 146 Conn. 474, 479 (1959); Lynch v. West Hartford, 167 Conn. 67, 78 (1974). Both of these elements are questions of fact. See id.

1. Dedication

Dedication may be express or implied and no particular formality is required. See Whippoorwill at 271. An express dedication is “where the intention to dedicate is expressly manifested by an explicit oral or written declaration or deed of the owner.” Id. An implied dedication may arise from the landowner’s conduct. See id. However, mere permission by the owner to the public to use the land as a way, without more, does not constitute an intention to dedicate. See Lynch at 78. Dedication becomes effective only when acceptance has occurred. See Meder v. Milford, 190 Conn. 72, 74 (1983).

2. Acceptance

An acceptance can be express, pursuant to formal proceedings, or it can be implied. Meder at 75. Further, a valid acceptance of a dedication can only be made by the town or by the general public. See id. at 74. Express acceptance occurs where “a municipality, by formal action in conformity with the statutory requirement, expressly accepts a street as a public highway, [and] no further action on the part of the general public is required to constitute the street a public highway.” DiCioccio v. Wethersfield, 146 Conn. 474, 481 (1959). The acceptance must be within a reasonable time. See id. What is a reasonable time is determined by considering the time elapsed, the need and convenience of the public, and other pertinent facts and circumstances. See id.

Implied acceptance may be established by the public’s actual use of the property or municipal actions. See Meshberg v. Bridgeport City Trust Co., 180 Conn. 274, 282

(1980); See also Katz v. Town of West Hartford, 191 Conn. 594 (1983); Ventres v. Town of Farmington, 192 Conn. 663 (1984). Implied acceptance by a town may be established where, for example, the town grades and paves a street, removes snow, installs sewers, lighting, curbs, sidewalks, exempts property from taxes, or exerts town control over the property. See Meshberg at 283.

Also, implied acceptance may be found by the public's actual use. "[T]he use to which the public puts the subject property must continue over a significant period of time . . . and be of such a character as to justify the conclusion that the way is 'of common convenience and necessity.'" Id. at 282 (citations omitted). Further, slight use and evidence that use by neighbors was with the owner's permission, will not constitute implied acceptance. See id. For example, in Ventres, the court determined that the unpaved way in question was not accepted by the general public's use. In that case, the facts disclosed that a passageway had been reserved by the town 'for a highway' in 1787 when a town highway committee conveyed a strip of land to an abutting owner. The court noted that no formal layout of a town road appeared in any town records and that "while lines on various maps . . . indicate some sort of passageway, there is not proof . . . [that the road] was a public highway." Id. at 665. The court concluded that this passageway, which "remained a steep, narrow, dirt road which was used occasionally by hikers" and that had "no evidence of any use of the way . . . except by hikers, horseback riders, and a few experiments to transverse it by specially equipped motorbikes" was not accepted as a public highway. Id. Further, the court stated that "[i]t can hardly be said that the very slight use made of the paper road,

coupled with the fact that this portion of the passway was not paved or maintained constituted acceptance by the public.” Ventres at 666. The court concluded that “[s]ince the disputed way was not a public way at anytime since 1787, a public easement in this passage was never created.” Id. at 668.

In contrast, in Wamphassuc, the court found the road in question to be a public highway. The court examined the present status of the road and supported its findings by the fact that: (1) the town claimed the road as part of its public highway system; (2) since 1947 the state had helped maintain the road; and (3) for at least 35 years the road had been under the control of the town. See id. at 679. Specifically, the court noted that the town had placed street signs on the road, patrolled it, had macadamized it and maintained it year-round in the same manner as other public highways in the town. Further, the town noted that the road was not only used by residents but by the general public on a regular basis.

It should be noted that acceptance of part of a street does not mean acceptance of the entire street. See Meshberg at 280. “ ‘Where the actual use stops, there the acceptance stops, with only the qualification . . . that such use will take in whatever may be regarded as properly incident to it.’ ” Id. at 281 citing Hall v. Meriden, 48 Conn. 416, 429 (1880).

3. Discontinuance and Abandonment

The public rights in a public highway may be vacated either by discontinuance or by abandonment. CGS § 13a-49 governs State of Connecticut discontinuance and empowers town selectmen, subject to approval by a majority vote of a town meeting, to

discontinue a highway; unless a court or the General Assembly laid out the highway. Abandonment requires non-use for a long period of time, together with the intent to abandon. See Griest v. Amrhyn, 80 Conn. 280, 285 (1907). Abandonment is a question of fact. See New London v. Pequot Point Beach Co., 112 Conn. 340 (1930). For example, in Newkirk v. Sherwood, 89 Conn. 598 (1915), the court found the land on which an ancient road had once existed was not a public highway. The court noted that the inference of intentional abandonment of the ancient highway was justified because the land had not been used as a highway for over sixty years.

“Property owners bounding a discontinued or abandoned highway, or a highway any portion of which has been discontinued or abandoned, shall have a right of way for all purposes for which a public highway may be now or hereafter used over such discontinued or abandoned highway.” CGS § 13a-55. The court has interpreted the statute to provide that “[t]he abutting owners continue to have an easement of access over the discontinued highway.” See Luf v. Town of Southbury, 188 Conn. 336, 344 (1982). “Their easement of necessity includes the right to travel over and to improve the existing roadbed.” Id. Therefore, the statute preserves the abutting owners right of access while allowing the public status of a road to cease.

V. FACTUAL SUMMARY

The current status of each of the seven roads are questions of fact. The analysis of the facts extensively investigated and made available to Shipman & Goodwin LLP is as follows:

A. Lamentation Mountain

1. Stantack Road

a. Dedication

A search of the land records revealed a document recorded in the Middletown Land Records, dated December 12, 1780, Volume 22, page 403 stating that “[w]e the Subscribers a Committee appointed by the Town of Middletown to lay out Land reserved for Highways Did on the Day of 12th October last, Survey _layout a Highway in said Middletown at a place Called Stantack . . .” See Exhibit A. Additionally, a boundary line agreement between Middletown and Berlin recorded in the Middletown Land Records, dated December 26, 1786 Volume 28, page 95 references a “Highway called Standtack . . .” See Exhibit B.

This evidence could indicate that a Stantack (or Standtack) Highway was laid out by surveyors in 1780 and dedicated as such. However, the evidence is not conclusive. In Ventres, a similar set of facts was examined. In that case, the plaintiff argued that a 1787 deed that reserved to the Town of Farmington a four-rod strip of land “for a highway” established that the road was a public highway. The court disagreed. The court noted that “[t]he essential elements to be proved are the owner’s unequivocal intention to dedicate the way to public use, and a general use by the public over a period long enough to indicate that it is acting on the basis of a claimed public right resulting from the owner’s dedication.” Id. citing Lynch v. West Hartford, 167 Conn. 67, 78 (1974). Here, the search of the Middletown Land Records revealed no such unequivocal intent to dedicate by an owner. Therefore, any analysis concluding

that Stantack Road was, in fact, dedicated to public use would be inconsistent with the stated elements. If the road was not dedicated, it could not be accepted and therefore could not be a public highway.

b. Acceptance

If, alternatively, it was concluded that the 1780 document amounted to a dedication, facts do not conclusively point to acceptance of Stantack Road. As stated earlier, a dedicated road requires acceptance to create a valid dedication. The acceptance can be express or implied. As to an express acceptance, there is no evidence that the City of Middletown expressly accepted Stantack Road by formal action from a dedication of its underlying fee owner. The only evidence available is that the Town of Middletown's appointed Committee laid out land reserved for a highway to be called Stantack in 1780. Here, as in Ventres, the act of laying out a road on land reserved for a highway only reserved the land and is a preliminary step in the process of dedication and acceptance. This fact alone is not sufficient to show the City of Middletown's acceptance.

Implied acceptance can be as a result of the city's actions or the general public's actions. Several old maps identify a Stantack Road on Lamentation Mountain. Specifically, a 1937 map of Middletown and an undated map of passable roads show such a road. See Exhibit D; Exhibit E. Also, the Assessor's map shows a Stantack Road on its map of the assessed property in the area. See Exhibit F. In contrast, a recent State of Connecticut Department of Transportation map of the area does not

show a Stantack Road on Lamentation Mountain. See Exhibit C.¹ Further, as in Ventres, no formal survey of a town road was found in the town records. Therefore, as the Connecticut courts have stated, while lines on a map indicate a passageway, map lines are not conclusive proof that a road, in this case Stantack Road, is a public highway.

As to the city's actions, the city has not maintained Stantack Road north of the last residence to the Berlin town line. A physical examination of the roadbed shows it to be not only unimproved but also generally impassable by vehicle; overgrown with trees, underbrush, and debris; and containing standing water over much of its length. The road contains no improvements that are consistent with a public highway such as storm sewers, lights, pavement, or traffic signs. The city does not remove snow from the road, clear the road of debris, pave the road or maintain or inspect any portion of the road as it does other public highways in Middletown. Additionally, no evidence of city maintenance of the road at the Department of Public Works exists except a one time clearing of debris and abandoned cars from the road at the request of the police

¹ The State of Connecticut map dated Dec. 31, 1998 does not show a Stantack Road on Lamentation Mountain but does show a different Stantack Road going west to the Meriden town line from Country Club Road, Country Club Road being intersected by Miner Street. See Exhibit C. Evidence regarding the Middletown Street Index is inconsistent and cannot be relied on as evidence in this matter. In the City of Middletown Streets Vol. 2 a 'Stantack Road' is listed with the notation: "Location: Miner Street north to Berlin line." See Exhibit G. This description is inconsistent with the Stantack Road in question because that road is not in the vicinity of the Miner Street of today. However, the 'Stantack Road' listed on the D.O.T. map is a fork off County Club Road, which does intersect with Miner Road. Further inconsistencies exist in that the Stantack Road in question goes north to the Berlin line whereas the Stantack Road located on the D.O.T. map goes west to the Meriden line. The information in the

department for emergency access in the early 1980s. Therefore, there is not sufficient evidence to conclude that Middletown by its acts impliedly accepted Stantack Road.

As to implied acceptance by public use, the general public's use cannot support the conclusion that "the way is of common convenience and necessity." It has been stated by some citizens that the road, in the past, was used as a logging road. Although abutting landowners may attempt to use the road for access to their respective property, presently its use as a road is limited because of its physical condition. Shipman & Goodwin's inspection of the road required an off road vehicle to parallel the actual roadbed because of the road's poor condition. Here, as in Ventres, the general public's access has been limited to hikers, especially equipped motorbikes and off road motor vehicles. As in Ventres, this use does not support a finding that the way is 'of common convenience and necessity.' Additionally, since Stantack Road in the town of Berlin (a public highway in Berlin) has been abandoned (discontinued), Stantack Road in Middletown does not create or connect with a through way, further limiting its public use.² In conclusion, there is not sufficient public use to support a finding that the public impliedly accepted Stantack Road as a public highway.

Street Index is unclear as to which Stantack Road it is referencing and is, therefore, inaccurate and unreliable.

² A map created by the Lamentation Tri-Town Project, a cooperative planning project of Berlin, Meriden, and Middletown, shows a road called Stantack Road. See Exhibit H. Before the Berlin abandonment, the Middletown Director of Planning asked Berlin to reconsider because the Tri-Town Lamentation Mountain Plan "advocates the creation of a through street along the Stantack Road right of way". See Exhibit I.

c. Abandonment

If, in the alternative, it is concluded that Stantack Road was dedicated and accepted at an earlier time, there is sufficient evidence to conclude that Stantack Road has been abandoned. Specifically, the city, through its lack of any maintenance or exertion of dominion or control over the road, and the general public, through its non-use for a long period, supports a conclusion that the road has been abandoned. The legal concept of abandonment requires intent by the municipality to abandon the highway and non-use of the road as a highway for a long period of time. Here, like in Newkirk v. Sherwood, 89 Conn. 598 (1915), the land has not been used as a public highway for many years. As discussed earlier, the road is wet, overgrown, and impassable by conventional motor vehicle. The road has not been improved with sewers, lights, pavement, and street signs or traffic signs. The Middletown Department of Public Works does not maintain the road and has no plans to do so. There are no plans to remove snow, clear debris, pave or maintain any portion of the road. Through the city's actions, the city has demonstrated a clear and convincing intent to abandon the road.

Although the abutting landowners may attempt to use the road for access to their property, its poor condition illustrates the non-use of the general public for a considerable time. Here, as in Ventres, the general public's access has been limited to hikers, especially equipped motorbikes, and off road vehicles. As in Ventres, this limited use does not support a finding that the way is 'of common convenience and necessity.' The general public's non-use of the road as a highway for a long time

demonstrates its intent to abandon the road. Therefore, the facts support the conclusion that Stantack Road on Lamentation Mountain is not a public highway but a private road. It should be noted that if a highway is abandoned, under Connecticut statute, the abutting property owners continue to have an easement of necessity that includes their right to travel over the road and to improve the existing roadbed at their expense and without municipal involvement.

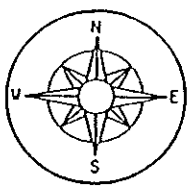
2. Middle Road

a. Dedication - Shipman & Goodwin LLP found no evidence that an owner ever dedicated Middle Road on Lamentation Mountain for use by the public.³

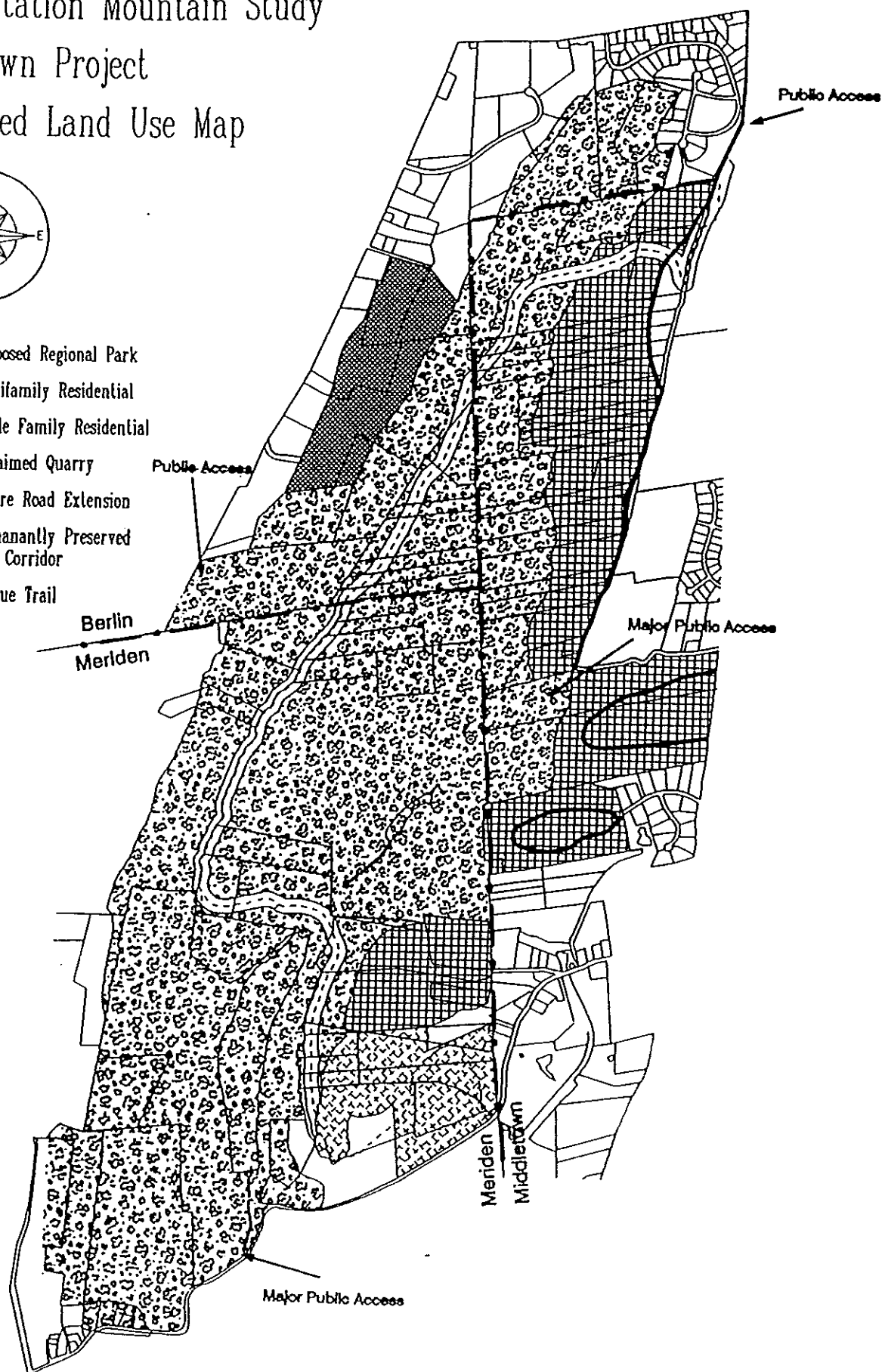
b. Acceptance - Dedication is only effective when acceptance has occurred. Since the road was never dedicated, the city and the public cannot have accepted it. Alternatively, there is no evidence that the municipality has formally accepted this road. Further, the city has not demonstrated any activity that would support an implied acceptance. The city has not cleared debris, paved, placed street signs, plowed, installed sewers, or exerted control over this road. Also, the general public has not accepted this road. The general public's use is limited to occasional hikers, mountain bikes and off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Middle Road on Lamentation Mountain is not a public highway.

³ D.O.T. map shows a different Middle Street. This street is in the City of Middletown -Streets Vol. 2: described as "Location: Country Club Road north to Berlin Town Line". This description is consistent with the Middle Street on the D.O.T. map, which is considerably east of the Middle Road on Lamentation Mountain, intersecting with Country Club Road and running north into Berlin. See Exhibit J.

Lamentation Mountain Study Tri-Town Project Proposed Land Use Map



- Proposed Regional Park
- Multifamily Residential
- Single Family Residential
- Reclaimed Quarry
- Future Road Extension
- Permanantly Preserved Trail Corridor
- Blue Trail



Scale: 1 inch equals 2000 feet.

Figure 10

Lamentation Mountain Study

Tri-Town Project

Constraints Map

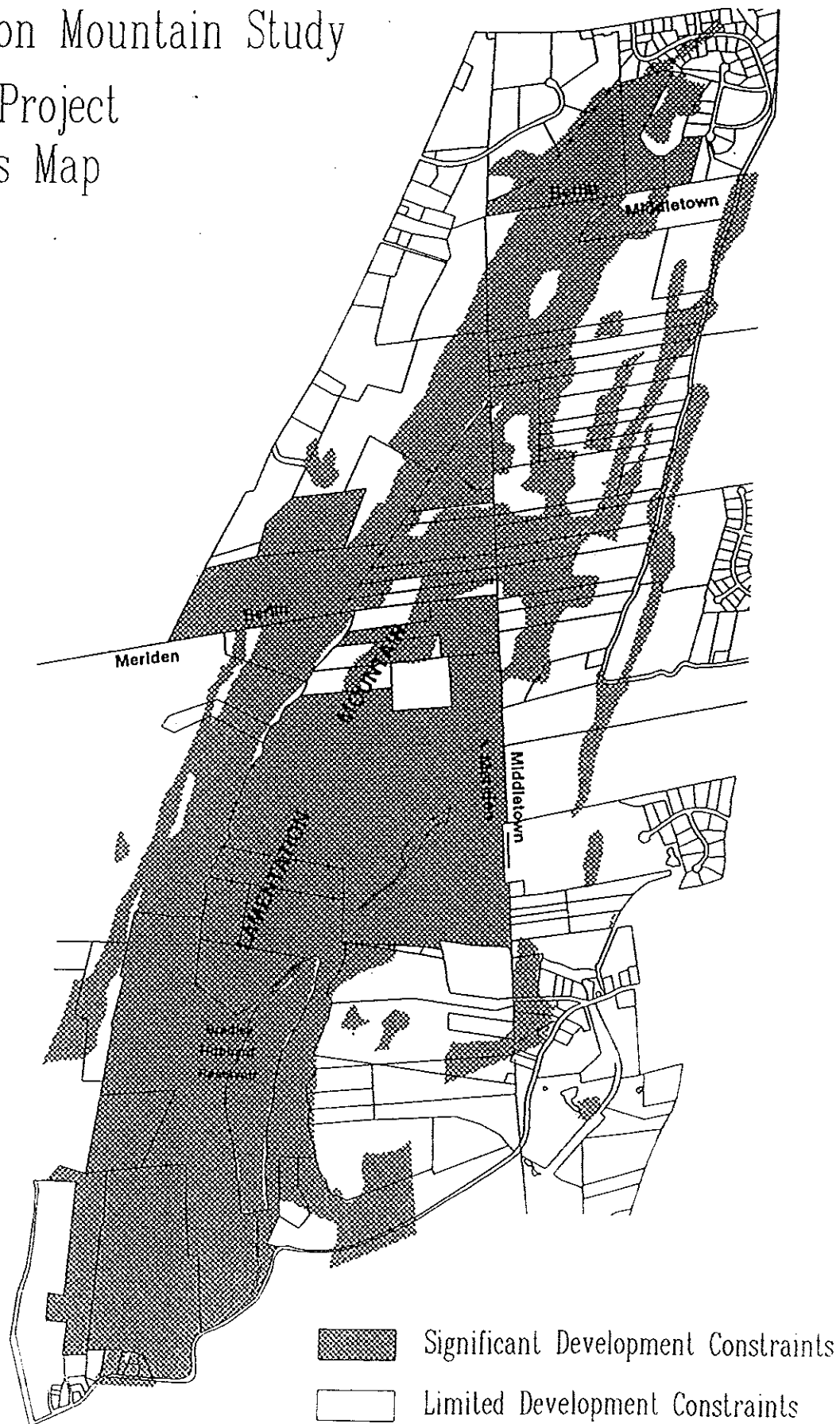
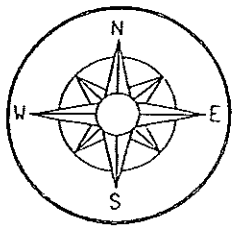
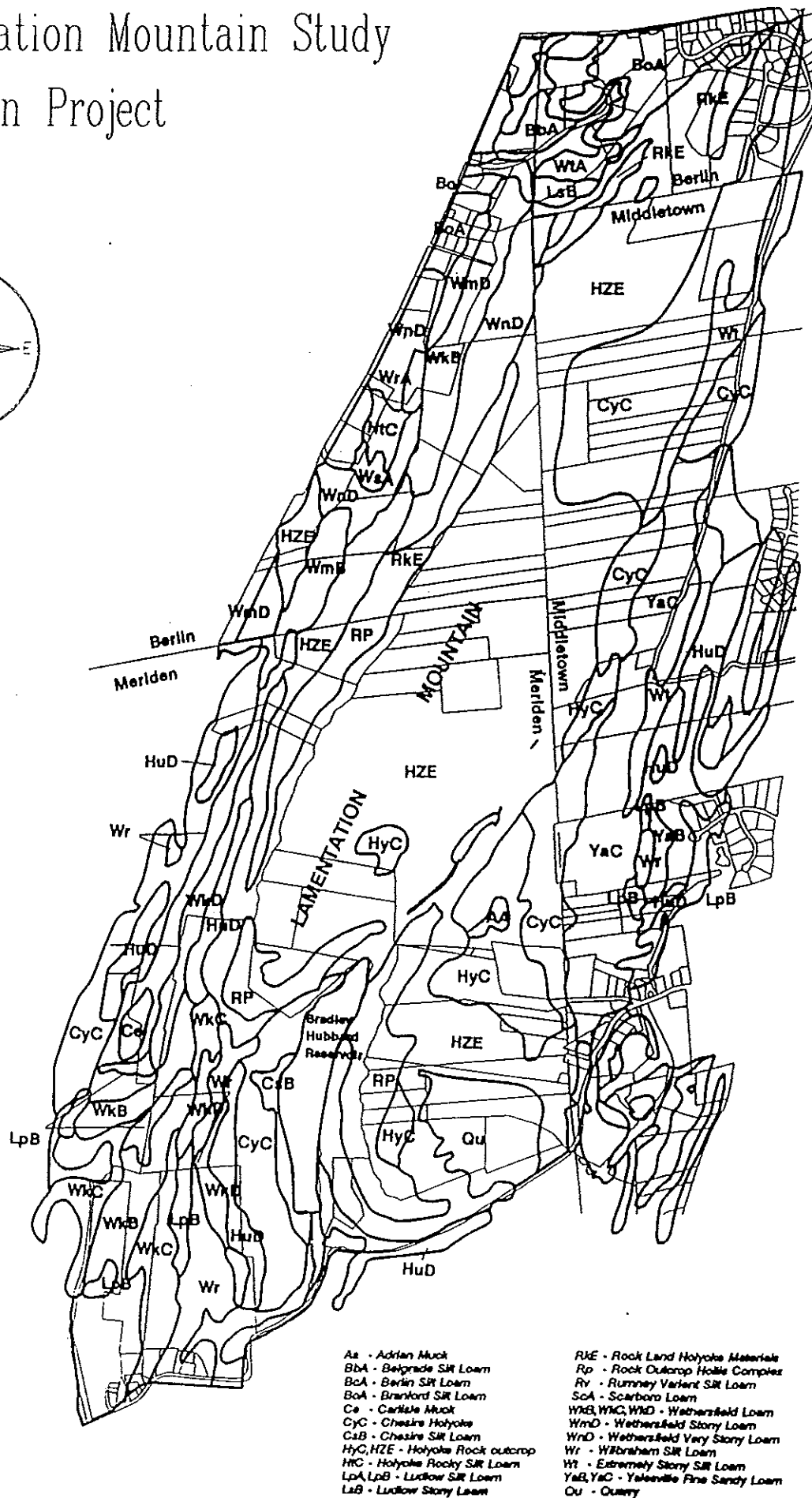
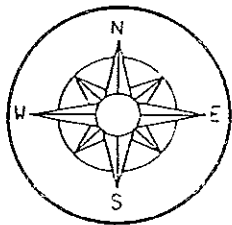


Figure 9

Lamentation Mountain Study

Tri-Town Project

Soils



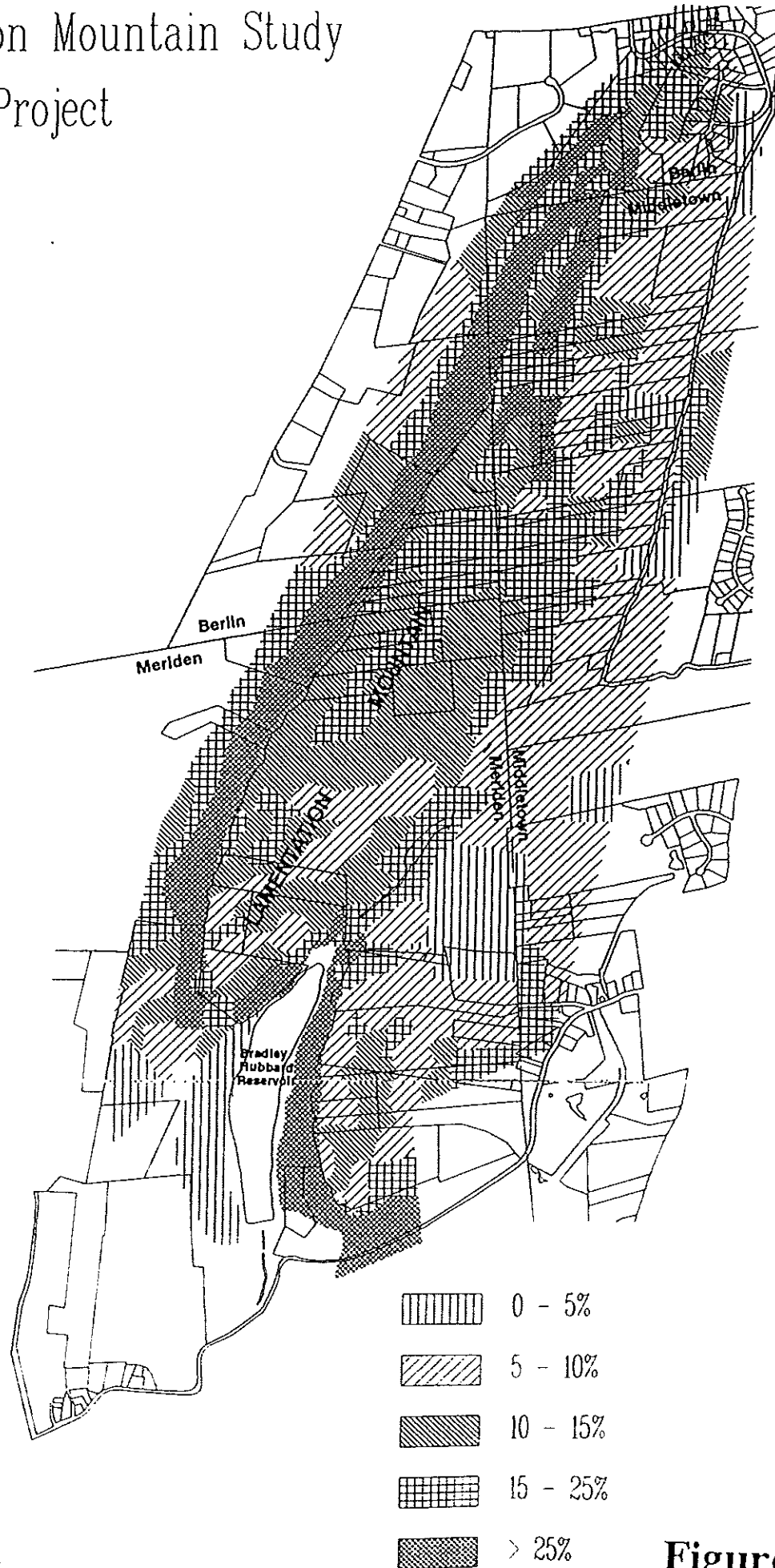
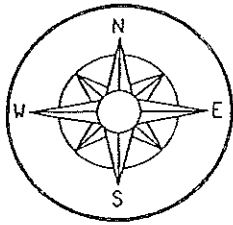
Scale: 1 inch equals 2000 feet.

Figure 7

Lamentation Mountain Study

Tri-Town Project

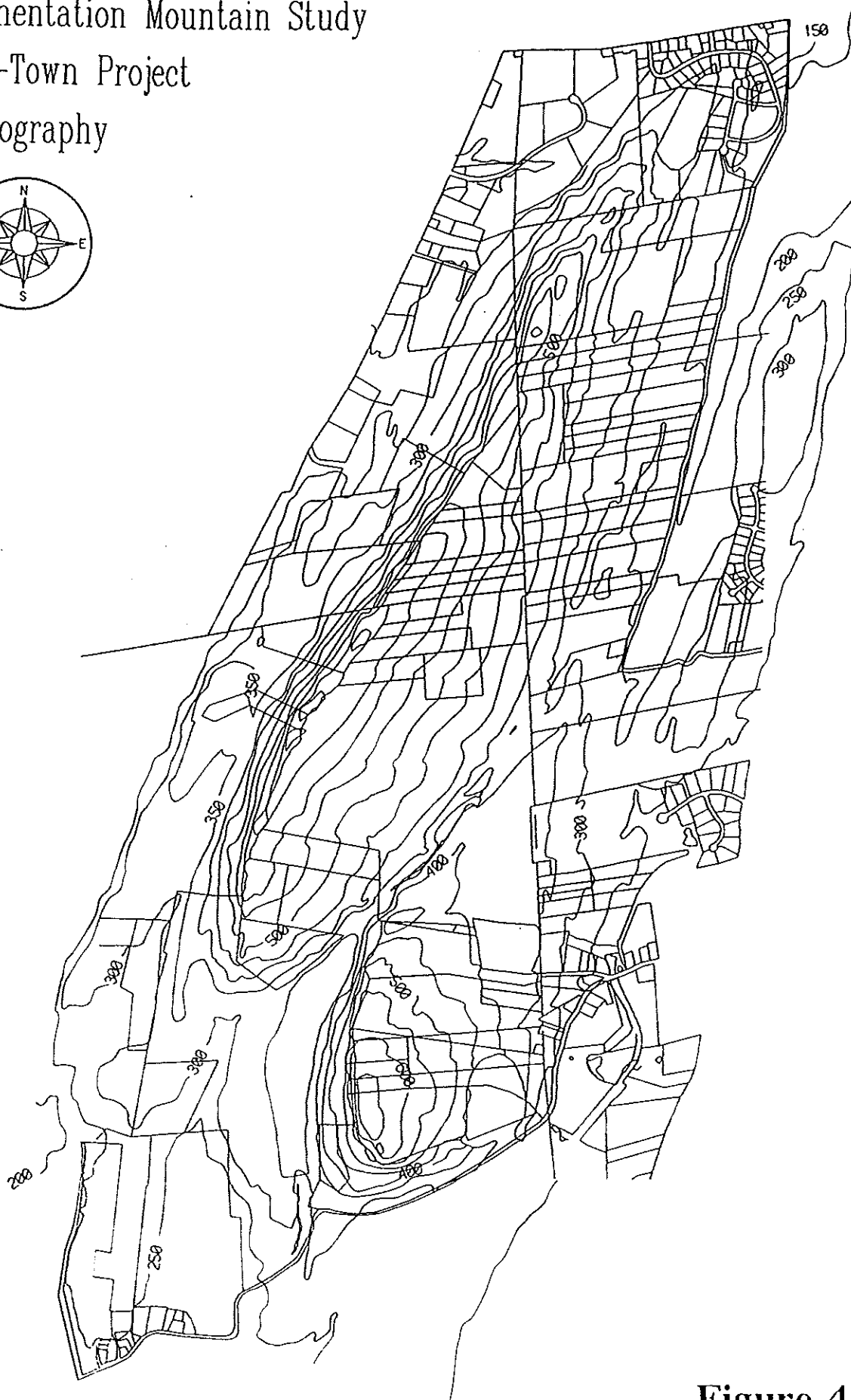
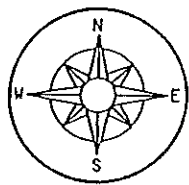
Slopes



Scale: 1 inch equals 2000 feet.

Figure 6

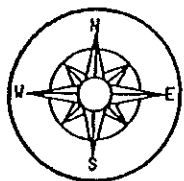
Lamentation Mountain Study
Tri-Town Project
Topography



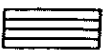

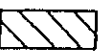





Scale: 1 inch equals 2000 feet.

Figure 4

Lamentation Mountain Study
Tri-Town Project
Existing Landuse



-  Existing Open Space
-  Private Forest
-  Single Family
-  Industrial
-  Quarry
-  Salvage Yard
-  Private Club
-  Water

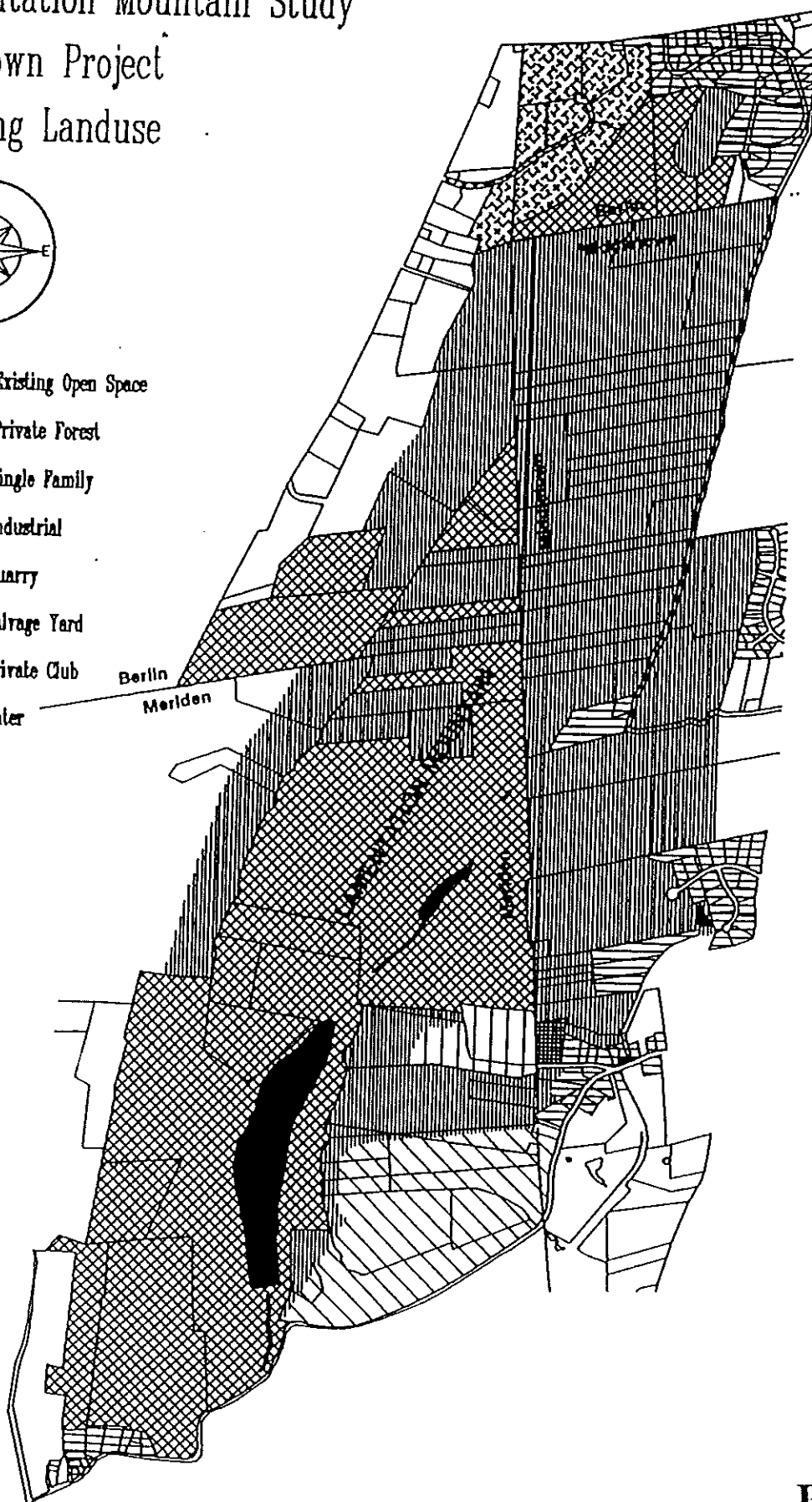


Figure 2

